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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KHALIF LATEEF,
Plaintiff,
vs.
ROBERT HOREL, et al.,
Defendants.

No. C 08-00651 JW (PR)
ORDER REVOKING PLAINTIFF'S
PAUPER STATUS; DENYING
REQUEST TO PROCEED *IN FORMA*
PAUPERIS ON APPEAL

Plaintiff, a state prisoner proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. Summary judgment was granted in favor of defendants, and judgment entered on December 1, 2010. Plaintiff has filed a notice of appeal, and a request for leave to proceed in forma pauperis (“IFP”) on appeal. Plaintiff was granted pauper status at the outset of this action.

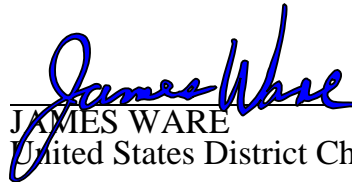
A prisoner must seek leave to proceed IFP on appeal in the district court. See Fed. R. App. P. 24(a). If the prisoner was granted leave to proceed IFP by the district court and that status has not been revoked at the time of the appeal, the Ninth Circuit will issue a referral notice to the district court pursuant to § 1915(a)(3) asking the court whether the appeal is frivolous and not taken in good faith. If the district court finds that the appeal is taken in good faith and is not inclined to revoke the prisoner’s IFP status, such status will

1 continue on appeal pursuant to Rule 24(a)(3). As in the district court, a prisoner
2 proceeding IFP on appeal will be required to pay the full filing fee. See 28 U.S.C.
3 § 1915(b)(1).

4 The Court finds that the appeal is frivolous and not taken in good faith.
5 Accordingly, Plaintiff's IFP status is REVOKED and the motion to proceed in forma
6 pauperis is DENIED. Plaintiff may file the motion in the Ninth Circuit which will
7 conduct an independent review of the record to determine whether the appeal is frivolous.
8 The Ninth Circuit will decide whether to grant the prisoner IFP status, notwithstanding a
9 certification by the district court under § 1915(a)(3).

10 The clerk shall forward a copy of this order to the Ninth Circuit.

11
12 DATED: February 2, 2011



JAMES WARE
United States District Chief Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

KHALIF LATEEF,
Plaintiff,

Case Number: CV 08-00651 JW

CERTIFICATE OF SERVICE

v.

ROBERT HOREL, et al,
Defendants.

_____/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 2/7/2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Khalif Lateef C-52678
Pelican Bay State Prison
P. O. Box 7500
Crescent City, CA 95531

Dated: 2/7/2011

Richard W. Wieking, Clerk
/s/ By: Elizabeth Garcia, Deputy Clerk

Khalif Lateef C-52678
Pelican Bay State Prison
P. O. Box 7500
Crescent City, CA 95531

CV08-00651 JW