



1 24(a)(1). However, even if a party provides proof of indigence, "an appeal may not be  
2 taken in forma pauperis if the trial court certifies in writing that it is not taken in good  
3 faith." 28 U.S.C. § 1915(a)(3). An appeal is in "good faith" where it seeks review of any  
4 issue that is "non-frivolous." Hooker v. American Airlines, 302 F.3d 1091, 1092 (9th Cir.  
5 2002). An issue is "frivolous" if it has "no arguable basis in fact or law." See O'Loughlin  
6 v. Doe, 920 F.2d 614, 617 (9th Cir. 1990).

7 Plaintiff's amended complaint was dismissed without leave to amend as he had  
8 failed to state a claim for denial of access to the courts. Plaintiff stated that in his habeas  
9 case, Taylor v. Ayers, No. C 07-04147 MMC, prison staff hindered his ability to litigate  
10 the case as he was only provided one and a half hours in the law library to file a  
11 Certificate of Appealability ("COA"), which was insufficient and as a result the COA was  
12 denied. Court records indicated that Plaintiff had already been provided an extension and  
13 the COA Plaintiff filed was 61 pages with another 131 pages of exhibits and was quite  
14 extensive. (Docket No. 32, Taylor v. Ayers, No. C 07-04147 MMC.) The Court found  
15 Petitioner's arguments to be unpersuasive and denied the COA. (Docket No. 36, Taylor  
16 v. Ayers, No. C 07-04147 MMC.) The Ninth Circuit also denied the request for a COA.  
17 (Docket No. 49, Taylor v. Ayers, No. C 07-04147 MMC.) Plaintiff also argued he was  
18 not allowed a copy of all 192 pages of the COA for his own records, only the first 100  
19 pages. Plaintiff stated he needed a complete copy for his next parole board hearing.

20 This court dismissed the action as Plaintiff's allegations did not state a claim under  
21 Lewis v. Casey, 518 U.S. 343, 350 (1996), as Plaintiff was able to file a substantial COA  
22 that was reviewed by the court and as a result there was no injury. Nor was it clear why  
23 only being provided the first 100 pages of the COA was insufficient for his next parole  
24 hearing. As Plaintiff's action was meritless, his appeal of this court's dismissal is  
25 frivolous and taken in bad faith and his in forma pauperis status is REVOKED. The  
26 Clerk shall forward this Order to the Ninth Circuit in case No. 13-15494.

27 DATED: 3/25/2013

28   
EDWARD J. DAVILA  
United States District Judge

