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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

THE PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff,

v.

ADIL K. HIRAMANNEK,

Defendant.

Case No. 14-cv-04640-BLF

**ORDER REVOKING IN FORMA
PAUPERIS STATUS**

[Re: ECF 16]

On October 14, 2014, Defendant Adil Hirananeek (“Defendant”) filed a Notice of Removal, removing criminal case #C1235568 from the Santa Clara County Superior Court to the Northern District of California under 28 U.S.C. § 1443(1). Not. of Removal, ECF 1. The magistrate judge to whom the case initially was assigned issued an order directing that the case be reassigned to a district judge and recommending that the case be remanded for lack of subject matter jurisdiction. Report and Recommendation at 1, ECF 9. On November 25, 2014, this Court issued an order adopting the recommendation and remanding the case to the Santa Clara County Superior Court. Remand Order, ECF 13. On the same day, Defendant filed a notice of appeal. Not. of Appeal, ECF 14. On December 1, 2014, the United States Court of Appeals for the Ninth Circuit issued a referral notice advising that “[t]his matter is referred to the district court for the limited purpose of determining whether in forma pauperis status should continue for this appeal or whether the appeal is frivolous or taken in bad faith.” Referral Notice, ECF 16.

“An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” 28 U.S.C. § 1915(a)(3). An appeal is taken in good faith if it presents at least one issue or claim that is non-frivolous. *See Hooker v. Amer. Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002).

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As discussed in the Court’s remand order, Defendant’s Notice of Removal was insufficient to invoke the jurisdiction of this Court because it neither presented facts suggesting race discrimination nor identified state statutory or constitutional provisions purporting to command the state courts to ignore federal rights, both of which are required under the statute purportedly authorizing removal, 28 U.S.C. § 1443(1). *See Patel v. Del Taco, Inc.*, 446 F.3d 996, 998 (9th Cir. 2006). Because these deficiencies were apparent on the face of the Notice of Removal and are not matters as to which reasonable jurists could differ, this Court concludes that Defendant’s appeal is frivolous and thus not taken in good faith.

Accordingly, Defendant’s in forma pauperis status is hereby REVOKED pursuant to 28 U.S.C. § 1915(a)(3). The Clerk shall notify Defendant and the United States Court of Appeals for the Ninth Circuit of this ruling as soon as is practicable.

IT IS SO ORDERED.

Dated: December 8, 2014


BETH LABSON FREEMAN
United States District Judge