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

JACOB CHARLES STEELE,
Plaintiff,
v.
KIM HOLLAND,
Defendant.

Case No. 15-cv-01084-BLF

**ORDER DENYING MOTION TO
PROCEED IN FORMA PAUPERIS**

On May 12, 2017, the Court denied Petitioner Jacob Steele’s petition for writ of habeas corpus. ECF 25. The Court also denied a certificate of appealability because Petitioner did not demonstrate that “reasonable jurists would find [this Court’s] assessment of the constitutional claims debatable or wrong.” *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Now before the Court is Petitioner’s motion for leave to proceed in forma pauperis (“IFP”) for an appeal. ECF 30.

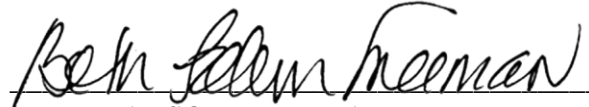
28 U.S.C. §1915(a)(3) provides that an appeal may not be taken IFP if the trial court certifies it is not taken in good faith. “Not taken in good faith” means “frivolous.” *Ellis v. United States*, 356 U.S. 674, 674-75 (1958); *Hooker v. Am. Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) (equating “not taken in good faith” with “frivolous”). For the same reasons this Court denied a certificate of appealability, this motion for IFP is also DENIED.

Petitioner may file a motion for leave to proceed IFP on appeal in the court of appeals within thirty days after service of notice of this order. *See Fed. R. App. Proc. 24 (a)(5)*. Any such motion “must include a copy of the affidavit filed in the district court and the district court’s statement of reasons for its action.” *Id.*

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IT IS SO ORDERED.

Dated: July 18, 2017


BETH LABSON FREEMAN
United States District Judge