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3 **UNITED STATES DISTRICT COURT**
4 **NORTHERN DISTRICT OF CALIFORNIA**
5 **SAN JOSE DIVISION**

6 SHEILA ROBINSON, et al.,

7 Plaintiffs,

8 v.

9 ALVARADOSMITH, APC., et al.,

10 Defendants.

Case No. 15-cv-01630-BLF

**ORDER REVOKING IN FORMA
PAUPERIS STATUS**

[RE: ECF 16]

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13 Plaintiffs' action initially was assigned to a magistrate judge, who granted Plaintiffs leave
14 to proceed in forma pauperis but issued a report and recommendation that the action be dismissed
15 with prejudice. On June 1, 2015, this Court issued an order adopting the magistrate judge's report
16 and recommendation and dismissing the action with prejudice. The Court entered judgment for
17 Defendants on the same date.

18 Plaintiffs thereafter filed a notice of appeal and a motion for leave to proceed on appeal in
19 forma pauperis. On June 11, 2015, the United States Court of Appeals for the Ninth Circuit issued
20 a referral notice advising that "[t]his matter is referred to the district court for the limited purpose
21 of determining whether in forma pauperis status should continue for this appeal or whether the
22 appeal is frivolous or taken in bad faith." Referral Notice, ECF 16. "An appeal may not be taken
23 in forma pauperis if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C.
24 § 1915(a)(3). An appeal is taken in good faith if it presents at least one issue or claim that is non-
25 frivolous. *See Hooker v. Amer. Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002).

26 As discussed in the Court's dismissal order, Plaintiffs have failed to state a federal claim
27 and have failed to demonstrate any possibility of doing so if given leave to amend their pleading.
28 Diversity jurisdiction clearly does not lie. Because those determinations are not matters as to

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which reasonable jurists could differ, this Court concludes that Plaintiffs' appeal is frivolous and thus not taken in good faith.

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

IT IS SO ORDERED.

Dated: June 25, 2015


BETH LABSON FREEMAN
United States District Judge