

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

GREG STEVEN ELOFSON,  
Plaintiff,  
v.  
STEPHANIE BIVENS, et al.,  
Defendants.

Case No. 15-cv-05761-BLF

**ORDER REVOKING *IN FORMA PAUPERIS* STATUS**

[RE: ECF 165]

Plaintiff Greg Steven Elofson brought this action to challenge Arizona state court orders relating to the guardianship and conservatorship of his father. The case initially was assigned to a magistrate judge, who granted Plaintiff leave to proceed *in forma pauperis*. Following reassignment to the undersigned judge, the Court granted motions to dismiss brought by all defendants and entered judgment.

Plaintiff thereafter filed a notice of appeal. On August 7, 2017, 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 165. “An appeal may not be taken in *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).

As discussed in the Court’s dismissal orders, this Court lacks subject matter jurisdiction over most of the claims asserted by Plaintiff and lacks personal jurisdiction over most of the defendants named in the suit. The few claims not subject to dismissal on those bases are

1 improperly venued in this district or are subject to the defense of qualified immunity on the face of  
2 the complaint. Because the Court’s determinations on those issues are not matters as to which  
3 reasonable jurists could differ, this Court concludes that Plaintiff’s appeal is frivolous and thus not  
4 taken in good faith.

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

8 This ruling is without prejudice to the filing of an application in the Court of Appeals for  
9 leave to proceed *in forma pauperis*.

10 **IT IS SO ORDERED.**

11

12 Dated: August 9, 2017

13   
14 BETH LABSON FREEMAN  
15 United States District Judge  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28