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

KENNETH LAWRENCE LENK,

Plaintiff,

v.

MONOLITHIC POWER SYSTEMS, INC.,

Defendant.

Case No. 20-cv-08094-BLF

**ORDER REVOKING IN FORMA
PAUPERIS STATUS**

The United States Court of Appeals for the Ninth Circuit has issued a Referral Notice to this 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.” *See* ECF 42. “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).

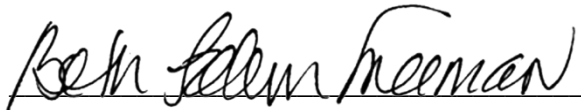
This Court dismissed Plaintiff’s first amended complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) after identifying numerous deficiencies that could not be cured by amendment due to collateral estoppel, California’s litigation privilege, and statutes of limitation. *See* ECF 32. The only claims not barred outright on these bases were devoid of factual support, and Plaintiff had not provided any basis to believe he could allege additional facts. *See id.* Because Plaintiff has been unable to present any issue or claim with potential merit, this Court concludes that his appeal is frivolous and thus not taken in good faith under the applicable legal standard.

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

IT IS SO ORDERED.

Dated: February 15, 2022


BETH LABSON FREEMAN
United States District Judge