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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

LOFOFORA EVA CONTRERAZ also
known as Mike Contreras,

Plaintiff,

vs.

KEN SALAZAR, Secretary of the
United States Department of Interior;
M. SHARON BLACKWELL, Deputy
Commissioner of Indian Affairs; Does
1, Acting Deputy Assistant Secretary,
Policy and Economic Development,
and DOES 1-10, inclusive,

Defendants.

CASE NO. 11cv265-GPC(PCL)

**ORDER RE NOTICE OF
REFERRAL**

[Dkt. No. 86.]

On March 25, 2015, the Court granted Defendants’ motion to dismiss since the remaining issue in the case was moot. (Dkt. No. 80.) On April 20, 2015, Plaintiff filed a notice of appeal of the Court’s order. (Dkt. No. 83.) On April 22, 2015, the United States Court of Appeals for the Ninth Circuit submitted a referral notice 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. (Dkt. No. 86.)

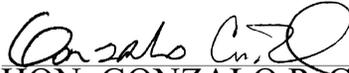
“An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” 28 U.S.C. § 1915(a)(3). Federal Rule of Appellate Procedure 24(a)(3) provides that

1 a party who was permitted to proceed in forma pauperis in the district-
2 court action, or who was determined to be financially unable to obtain an
3 adequate defense in a criminal case, to proceed on appeal in forma
4 pauperis without further authorization, unless: (A) the district court--
5 before or after the notice of appeal is filed--certifies that the appeal is not
6 taken in good faith or finds that the party is not otherwise entitled to
7 proceed in forma pauperis and states in writing its reasons for the
8 certification or finding; or (B) a statute provides otherwise.

9 Fed. R. App. P. 24(a)(3). For purposes of 28 U.S.C. § 1915, an appeal is frivolous if
10 it lacks any arguable basis in law or fact. Neitzke v. Williams, 490 U.S. 319, 325
11 (1989). Based on the Court's ruling on Defendants' motion to dismiss, it concludes
12 that the appeal lacks any arguable basis in law or fact and is frivolous. Accordingly,
13 it is HEREBY ORDERED that: (1) Plaintiff's in forma pauperis status is REVOKED
14 for purposes of the appeal; and (2) the Clerk of Court is DIRECTED to notify the Ninth
15 Circuit Court of Appeals that the Court certifies that Plaintiff's appeal is frivolous.

16 IT IS SO ORDERED.

17 DATED: April 23, 2015

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19 HON. GONZALO P. CURIEL
20 United States District Judge
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