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8   **UNITED STATES DISTRICT COURT**

9   **SOUTHERN DISTRICT OF CALIFORNIA**

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11   ESMAEIL FARSHI,   No. 11-56302

12   Plaintiff,   D.C. No. 11-cv-1473 MMA (CAB)
           vs.
13   **ORDER REVOKING *IN FORMA***
     CHRISTINE K. GOLDSMITH, Judge,   ***PAUPERIS* STATUS**
14   individually and in her official capacity as
     justice of the Superior Court of San Diego
15   County,

16   Defendant.

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18   On July 19, 2011, the Court dismissed Plaintiff Esmaeil Farshi's action against Defendant

19   Christine K. Goldsmith, a San Diego Superior Court Judge, because Judge Goldsmith enjoyed

20   absolute judicial immunity. [Doc. No. 3.] Plaintiff contends this dismissal was in error, and has

21   appealed the Court's decision. On August 8, 2011, the Ninth Circuit Court of Appeals referred

22   this matter to the undersigned for the limited purpose of determining whether Plaintiff's *in forma*

23   *pauperis* status should continue for the appeal in this action or whether the appeal is frivolous or

24   taken in bad faith. [Doc. No. 9 (citing 28 U.S.C. § 1915(a)(3); *see also Hooker v. American*

25   *Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) (revocation of *in forma pauperis* status is

26   appropriate where district court finds the appeal to be frivolous).]

27   In dismissing Plaintiff's complaint, the Court found Plaintiff's allegations were based on

28   the conduct of a judge acting within the scope of her judicial authority, and such conduct entitled

                                              - 1 -   11-cv-1473 MMA (CAB)

1   her to absolute immunity from suit. [Doc. No. 3]; *see also Ashelman v. Pope*, 793 F.2d 1072, 1075

2   (9th Cir.1986) (*en banc*). Based on these prior findings, Plaintiff's *in forma pauperis* status should

3   not continue for the appeal because the Court finds the appeal "lack[s] an arguable basis either in

4   law or fact." *See Neitzke v. Williams*, 490 U.S. 319, 325 (1989). Accordingly, Plaintiff's *in forma*

5   *pauperis* status is hereby **REVOKED**.

6   **IT IS SO ORDERED.**

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8   DATED: August 10, 2011

9   Hon. Michael M. Anello
                                                     United States District Judge
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