



United States District Court
SOUTHERN DISTRICT OF CALIFORNIA

Ariel Olvera

Plaintiff,

V.

Fred Figueroa, C.C.A. Warden; P.A.
Ortiz C.C.A., Physician Assistant

Defendant.

Civil Action No. 17cv1703-JLS-BLM

JUDGMENT IN A CIVIL CASE

Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED:

The Court:

1. GRANTS Plaintiff's Motion to Proceed IFP pursuant to 28 U.S.C. § 1915(a) ;
2. DISMISSES this civil action for failing to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and denies leave to amend as futile. *Rosati v. Igbino*, 791 F.3d 1037, 1039 (9th Cir. 2015) (leave to amend is not required if it is "absolutely clear that the deficiencies of the complaint could not be cured by amendment") (internal citations omitted);
3. CERTIFIES that an IFP appeal from this Order would be frivolous and therefore, would not be taken in good faith pursuant to 28 U.S.C. § 1915(a)(3). See *Coppedge v. United States*, 369 U.S. 438, 445 (1962); *Gardner v. Pogue*, 558 F.2d 548, 550 (9th Cir. 1977) (indigent appellant is permitted to proceed IFP on appeal only if appeal would not be frivolous); and
4. DIRECTS the Clerk of Court to close the file.

Date: 11/7/17

CLERK OF COURT

JOHN MORRILL, Clerk of Court

By: s/ M. Lozano

M. Lozano, Deputy