

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

MO'I KAPU, fka JON ELEU
FREEMAN SANTOS, aka JON
SANTOS,

Plaintiff - Appellant,

vs.

ATTORNEY GENERAL, STATE OF
HAWAII, *et al.*,

Defendants - Appellees.

D.C. No. CV 17-00213 DKW-RLP

No. 17-17310

**ORDER REVOKING *IN FORMA*
PAUPERIS STATUS ON APPEAL**

On November 16, 2017, this matter was referred to the Court by the United States Court of Appeals for the Ninth Circuit for the limited purpose of determining whether the *in forma pauperis* (“IFP”) status granted to Appellant King Kamehameha VII, Ni‘i Loa Mo‘i Kapu (“Mo‘i Kapu”) should continue for this appeal. Civ. No. 17-00213, Dkt. No. 18.

“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). The good faith standard is an objective one. *See Coppedge v. United States*, 369 U.S. 438, 445 (1962). A plaintiff satisfies the “good faith” requirement if he or she seeks review of any issue that is “not frivolous.” *Gardner v. Pogue*, 558 F.2d 548, 551 (9th Cir.

1977) (quoting *Coppedge*, 369 U.S. at 445). An appeal is frivolous if it lacks any arguable basis in law or fact. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *Franklin v. Murphy*, 745 F.2d 1221, 1225 (9th Cir. 1984). “[T]o determine that an appeal is in good faith, a court need only find that a reasonable person could suppose that the appeal has some merit.” *Walker v. O’Brien*, 216 F.3d 626, 631 (7th Cir. 2000). Thus, revocation of IFP status is appropriate under Section 1915 where an appeal lacks any non-frivolous issue or claim. *Hooker v. Am. Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002).

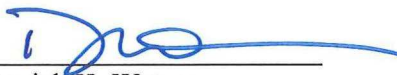
Having carefully reviewed the Notice of Appeal, Civ. No. 17-00213, Dkt. No. 15, and the district court record, the Court concludes that Mo‘i Kapu fails to raise any non-frivolous issue or claim. *See Hooker*, 302 F.3d at 1092. As detailed in the Court’s orders dismissing his Complaint, First Amended Complaint, and Second Amended Complaint, Appellant fails to state any sort of cognizable claim against any party. *See* Dkt. Nos. 4, 8, 13. Both his claimed exemption from the payment of applicable state and federal taxes and also his demand that the United States and State of Hawai‘i pay to him all taxes or duties owed to the Hawaiian Kingdom, lack any arguable basis in law or fact. Despite several opportunities to amend and guidance on how to do so, his challenges to the sovereignty of the United States and the State of Hawaii, both in the district court below and also on appeal, remain patently frivolous.

Upon referral from the Ninth Circuit for this limited purpose, the Court finds that the present appeal is not taken in good faith and lacks any arguable basis in law or fact. Accordingly, the Court revokes Appellant's IFP status.¹

IT IS SO ORDERED.

Dated: November 16, 2017 at Honolulu, Hawai'i.




Derrick K. Watson
United States District Judge

Mo'i Kapu v. State of Hawaii, et al.; Civil No. 17-00213 DKW-RLP; **ORDER REVOKING IN FORMA PAUPERIS STATUS ON APPEAL**

¹A litigant may move in the appellate court for leave to proceed *in forma pauperis*, notwithstanding the district court's decision. Fed.R.App.P. 24(a)(5).