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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TIMOTHY WENDELL GRIMALDI,)
)
 Plaintiff,)
)
 vs.)
)
 JAMES COX, *et al.*,)
)
 Defendants.)
 _____ /

Appeal No. 11-16501
2:11-cv-00802-KJD-PAL

ORDER

This is a closed prisoner civil rights action brought pursuant to 42 U.S.C. § 1983. On May 26, 2011, this Court dismissed this action for failure to state a claim for which relief may be granted. (ECF No. 3). Judgment was entered on the same date. (ECF No. 4). Plaintiff filed a notice of appeal on June 14, 2011. (ECF No. 5). The United States Court of Appeals for the Ninth Circuit assigned the appeal number 11-16501. (ECF No. 7).

On June 20, 2011, the Ninth Circuit Court of Appeals referred this matter to this Court for the limited purpose of determining whether *in forma pauperis* status should continue for the appeal or whether the appeal is frivolous or taken in bad faith. (ECF No. 8). On careful review, this Court certifies that any *in forma pauperis* appeal from its order would not be taken “in good faith” pursuant to 28 U.S.C. § 1915(a)(3).

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IT IS THEREFORE ORDERED that this Court **CERTIFIES** that any *in forma pauperis* appeal from its order dated May 26, 2011 (ECF No. 3) would **not** be taken “in good faith” pursuant to 28 U.S.C. § 1915(a)(3).

IT IS FURTHER ORDERED that the Clerk of Court **SHALL SEND** this order to the United States Court of Appeals for the Ninth Circuit.

DATED: June 22, 2011



UNITED STATES DISTRICT JUDGE