UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CHRISTOPHER EDWARD FERGUSON,

Plaintiff

v.

CHAD BAKER, et al.,

Defendants

Case No.: 2:16-cv-01525-APG-NJK

DISTRICT COURT'S RESPONSE TO NINTH CIRCUIT'S REFERRAL NOTICE

The Ninth Circuit Court of Appeals has referred to me the question whether Mr. Ferguson's "in forma pauperis status should continue for this appeal or whether the appeal is frivolous or taken in bad faith." I do not find this appeal to be taken in bad faith. 18 U.S.C. §1915(a)(3). However, the appeal appears to me to be frivolous. Whether that is a sufficient basis to revoke in forma pauperis status under the language of 18 U.S.C. §1915(a)(3), I leave to the Ninth Circuit to decide. *Cf. Hooker v. American Airlines*, 302 F.3d 1091 (9th Cir. 2002).

This response is directed to the Ninth Circuit pursuant to Federal Rule of Appellate Procedure 24(a)(3)(A). The clerk of court shall serve this response upon the parties and the Ninth Circuit.

DATED this 28th day of August, 2018.

ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE