

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SHAUN ROSIERE,)
)
Plaintiff,)
vs.)
UNITED STATES OF AMERICA,)
)
Defendant.)

Case No.: 2:16-cv-02286-GMN-PAL

ORDER

By Notice, (ECF No. 77), entered May 15, 2017, the U.S. Court of Appeals for the Ninth Circuit referred this matter to the District Court for the limited purpose of determining whether in forma pauperis status should continue for this appeal or whether the appeal is frivolous or taken in bad faith. See 28 U.S.C. § 1915(a)(3); *Hooker v. Am. Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) (finding revocation of in forma pauperis status appropriate where the district court finds appeal frivolous).

Here, Plaintiff Shaun Rosiere (“Plaintiff”) appeals the Court’s Order, (ECF No. 68), granting Defendant’s Motion to Dismiss and dismissing this action with prejudice. (See Notice of Appeal, ECF No. 72). As stated in the Court’s Order, the Ninth Circuit has previously dismissed a nearly identical appeal as frivolous. (Order 3:24–25); see *Rosiere v. United States*, No. 17-15103 (9th Cir. April 28, 2017). Likewise, the Court determines that the instant appeal is frivolous.

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1 **IT IS HEREBY ORDERED** that the Court certifies Plaintiff's appeal as frivolous
2 pursuant to 28 U.S.C. § 1915(a)(3). Plaintiff's in forma pauperis status is therefore
3 **REVOKED** for purposes of this appeal.

4 **DATED** this 23 day of May, 2017.

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8 Gloria M. Navarro, Chief Judge
9 United States District Court
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