

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

HERVE GUERRIER,)
)
Plaintiff,)
)
vs.)
)
ROBERT LEGRAND, *et al.*,)
)
Defendants.)
/

3:10-cv-00752-LRH-RAM
ORDER

This is a prisoner action brought pursuant to 42 U.S.C. § 1983. On April 7, 2011, this court dismissed this action for failure to state a claim for which relief may be granted (docket #11), judgment was entered on April 8, 2011 (docket #12), and plaintiff’s motion for reconsideration of the Screening Order (docket #13) was denied on May 12, 2011 (docket #16). Plaintiff filed a notice of appeal on May 23, 2011 (docket #18).

On May 26, 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 (docket #22). 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). *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 *in forma pauperis* on appeal only if appeal would not be frivolous).

///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS THEREFORE ORDERED that this court **CERTIFIES** that any *in forma pauperis* appeal from its Order dated April 7, 2011 (docket #11) would not be taken “in good faith” pursuant to 28 U.S.C. § 1915(a)(3).

DATED this 6th day of June, 2011.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE