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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PAUL SCOTT KLEIN,)
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 Plaintiff,)
)
 vs.)
)
 DR. SCOTT, *et al.*,)
)
 Defendants.)
/

Appeal No. 11-17397
3:11-cv-00648-ECR-VPC

ORDER

This is a prisoner action brought pursuant to 42 U.S.C. § 1983. On September 14, 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 September 15, 2011. (ECF No. 4). Plaintiff’s motion for reconsideration (ECF No. 6) was denied by order filed September 28, 2011. (ECF No. 8). Plaintiff filed a notice of appeal on October 5, 2011. (ECF No. 9).

On October 7, 2011, the Ninth Circuit Court of Appeals referred the 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. 12). 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,

1 550 (9th Cir. 1977) (indigent appellant is permitted to proceed *in forma pauperis* on appeal only if
2 appeal would not be frivolous).

3 **IT IS THEREFORE ORDERED** that this Court **CERTIFIES** that any *in forma pauperis*
4 appeal from its screening order dated September 14, 2011 (ECF No. 3) would **NOT** be taken “in good
5 faith” pursuant to 28 U.S.C. § 1915(a)(3).

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

8 DATED this 13th day of October 2011.

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11 UNITED STATES DISTRICT JUDGE

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