

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

EDGAR V. LING,

Plaintiff,

v.

PAT GARRETT, et al.,

Defendants.

Civ. No. 3:22-cv-00215-AA

OPINION & ORDER

AIKEN, District Judge.

This case comes before the Court on a referral from the Ninth Circuit for purposes of determining whether Plaintiff's IFP status should continue during his appeal. ECF No. 15. An indigent party who cannot afford the expense of pursuing an appeal may file a motion for leave to proceed IFP. Fed. R. App. P. 24(a); 28 U.S.C. § 1915(a)(1). Revocation of a litigant's IFP status is appropriate where the district court finds that the litigant's appeal is frivolous or not taken in good faith. *See Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) (noting that revocation of IFP status is appropriate where the district court finds the appeal to be frivolous). An issue is frivolous if it "has no arguable basis in fact or law." *O'Loughlin v. Doe*,

920 F.2d 614, 617 (9th Cir. 1990). Upon review of the record, the Court concludes that Plaintiff's appeal is frivolous and Plaintiff's IFP status should be revoked.

It is so ORDERED and DATED this 16th day of June 2022.

/s/Ann Aiken
ANN AIKEN
United States District Judge