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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JOHN ENSMINGER,  
  
Plaintiff,

v.

COUNTY OF SPOKANE, SPOKANE  
COUNTY DEPARTMENT OF  
CORRECTIONS, SPOKANE  
COUNTY COMMISSIONERS,  
NANCY McLAUGHLIN, SHELLY  
O'QUINN, AL FRENCH, JOHN  
McGRATH and LT SPARBER,  
  
Defendants.

NO: 1:17-CV-0020-TOR

ORDER OF DISMISSAL WITHOUT  
PREJUDICE

Plaintiff is proceeding *pro se* and *in forma pauperis*. See ECF No. 7. On March 17, 2017, Plaintiff was ordered to file an Amended Complaint within 60 days. ECF No. 9. Plaintiff was cautioned that his failure to amend within 60 days would result in the dismissal of this case. ECF No. 9 at 15. Although granted the opportunity to do so, Plaintiff has now failed to amend his complaint to include sufficient facts to establish federal subject-matter jurisdiction. See *Broughton v.*

1 *Cutter Laboratories*, 622 F.2d 458, 460 (9th Cir. 1980) (citations omitted).

2 Pursuant to 28 U.S.C. § 1915(a)(3), “[a]n appeal may not be taken *in forma*  
3 *pauperis* if the trial court certifies in writing that it is not taken in good faith.” The  
4 good faith standard is an objective one, and good faith is demonstrated when an  
5 individual “seeks appellate review of any issue not frivolous.” *See Coppedge v.*  
6 *United States*, 369 U.S. 438, 445 (1962). For purposes of 28 U.S.C. § 1915, an  
7 appeal is frivolous if it lacks any arguable basis in law or fact. *Neitzke v. Williams*,  
8 490 U.S. 319, 325 (1989).

9 The Court finds that any appeal of this Order would not be taken in good  
10 faith and would lack any arguable basis in law or fact. Accordingly, the Court  
11 hereby revokes Plaintiff’s *in forma pauperis* status.

12 **ACCORDINGLY, IT IS HEREBY ORDERED:**

- 13 1. Plaintiff’s Complaint is **DISMISSED without prejudice** for failure to  
14 state a claim under 28 U.S.C. §1915(e)(2)(B).  
15 2. Plaintiff’s *in forma pauperis* status is **REVOKED**.

16 The District Court Executive is directed to enter this Order, enter judgment  
17 of dismissal without prejudice, forward a copy to Plaintiff, and **CLOSE** the file.

18 **DATED** June 1, 2017.



*Thomas O. Rice*  
THOMAS O. RICE  
Chief United States District Judge

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