



1 allege sufficient facts to state a claim for relief, this Court dismissed Plaintiff's  
2 Complaint without prejudice and with leave to amend. *Id.* The Court instructed  
3 Plaintiff that he may file an Amended Complaint within sixty (60) days of the date  
4 of the Order or file the attached Motion to Voluntarily Dismiss within sixty (60  
5 days). *Id.* The Court cautioned Plaintiff that if he failed to file within sixty days,  
6 the Court would dismiss the entire case for failure to state a claim under 28 U.S.C.  
7 § 1915(e)(2). *Id.* Plaintiff failed to timely respond in any manner.

8 Pursuant to 28 U.S.C. § 1915(a)(3), “[a]n appeal may not be taken *in forma*  
9 *pauperis* if the trial court certifies in writing that it is not taken in good faith.” The  
10 good faith standard is an objective one, and good faith is demonstrated when an  
11 individual “seeks appellate review of any issue not frivolous.” *See Coppedge v.*  
12 *United States*, 369 U.S. 438, 445 (1962). For purposes of 28 U.S.C. § 1915, an  
13 appeal is frivolous if it lacks any arguable basis in law or fact. *Neitzke v. Williams*,  
14 490 U.S. 319, 325 (1989).

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

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

- 19 1. Plaintiff's Complaint is **DISMISSED without prejudice** for failure to  
20 state a claim under 28 U.S.C. § 1915(e)(2)(B).

1           2. Plaintiff's *in forma pauperis* status is **REVOKED**.

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

4           **DATED** August 9, 2018.



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