

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ELLIOT D. GOODIN,

Plaintiff,

V.

EASTERN STATE HOSPITAL,

Defendant.

NO. 2:20-CV-0478-TOR

ORDER DISMISSING CASE

BEFORE THE COURT is Plaintiff's failure to amend his inadequate

Complaint. *See* ECF No. 5. The Court has reviewed the record and files herein, and is fully informed.

Plaintiff, a patient at Eastern State Hospital, is proceeding *pro se* and *in forma pauperis*. Plaintiff filed a Complaint on December 28, 2020. ECF No. 1. On January 29, 2021, the Court screened Plaintiff's Complaint for legal sufficiency pursuant to 28 U.S.C. § 1915(e). ECF No. 5. The Court dismissed Defendant Eastern State Hospital with prejudice and Plaintiff's Complaint without prejudice. *Id.* The Court granted Plaintiff an opportunity to file an amended complaint within

1 60 days of the Court's order. *Id.* Plaintiff failed to timely amend his inadequate
2 Complaint.

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

10 The Court finds that any appeal of this Order would not be taken in good
11 faith and would lack any arguable basis in law or fact.

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

13 1. This case is **DISMISSED without prejudice** for failure to state a claim
14 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** March 31, 2021.



19
20 A handwritten signature in blue ink that reads "Thomas O. Rice".
THOMAS O. RICE
United States District Judge