

HONORABLE RONALD B. LEIGHTON

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRIAN DAVID MATTHEWS,

Plaintiff,

v.

PIERCE COUNTY,

Defendant.

CASE NO. C11-5131RBL

ORDER

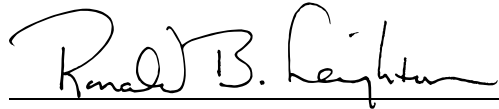
THIS MATTER comes on before the above-entitled court upon Plaintiff’s Notice of Appeal [Dkt. #12]. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

Plaintiff has filed a Notice of Appeal of the Judgment [Dkt. #11] entered on this Court’s Order adopting the Report and Recommendation dismissing his Complaint with prejudice [Dkt. #10]. Plaintiff was permitted to proceed *in forma pauperis* in this Court [Dkt. #5]. The Court hereby certifies that this appeal is not taken in good faith and, like the underlying Complaint, is frivolous in that it lacks an arguable basis in law or fact. Fed. R. App. P. 24(a)(3)(A).

IT IS SO ORDERED.

1 The Clerk shall send uncertified copies of this order to all counsel of record, to any party
2 appearing pro se, and the United States Court of Appeals for the Ninth Circuit.

3 Dated this 5th day of May, 2011.

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5 RONALD B. LEIGHTON
6 UNITED STATES DISTRICT JUDGE