

1 HONORABLE RONALD B. LEIGHTON  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 MARIE-LOUISE PAUSON,

11 Plaintiff,

12 v.

13 BAYVIEW LOAN SERVICING, LLC,

Defendant.

CASE NO. C15-5612-RBL

ORDER GRANTING LEAVE TO  
APPEAL IFP

14 THIS MATTER is before the Court on Plaintiff Pauson's Motion for leave to appeal in  
15 forma pauperis [Dkt. #41]. The Court dismissed her complaint with prejudice and without leave  
16 to amend on the defendants' motion. [Dkt. #35].

17 An appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it  
18 is not taken in good faith. 28 U.S.C. §1915(a)(3); *see also Hooker v. American Airlines*, 302 F.3d  
19 1091, 1092 (9th Cir. 2002) (revocation of forma pauperis status is appropriate where district  
20 court finds the appeal to be frivolous). The Court must determine whether Pauson's appeal is  
21 frivolous or malicious, or fails to state a claim upon which relief may be granted. *See* 28 U.S.C.  
22 §1915(e)(2)(B)(i)&(ii).

While the Court did determine that Pauson failed to state a plausible claim, it cannot certify that her appeal of that decision is taken in bad faith. The Motion to proceed *in forma pauperis* on appeal is GRANTED.

IT IS SO ORDERED.

Dated this 12<sup>th</sup> day of October, 2016.

Ronald B. Lightner

Ronald B. Leighton  
United States District Judge