

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

OXANA V GRABOIS,

Plaintiff,

v.

ADAM J GRABOIS,

Defendant.

CASE NO. C15-5876-RBL

ORDER GRANTING MOTION TO
APPEAL IFP

THIS MATTER is before the Court on Plaintiff Grabois's Motion for leave to *appeal in forma pauperis* [Dkt. #15]. The Court dismissed her complaint with prejudice and without leave to amend on the defendant's motion. [Dkt. #13].

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

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

4 IT IS SO ORDERED.

5 Dated this 12th day of October, 2016.

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8 Ronald B. Leighton
9 United States District Judge
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