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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

Adam Bereki,  
Plaintiff,  
v.  
Gary Humphreys;  
Karen Humphreys,  
Defendants.

Case No.: CV 19-2050-CBM-ADS(x)

**ORDER RE: NINTH CIRCUIT’S  
REFERRAL AND REVOCATION  
OF PLAINTIFF’S IN FORMA  
PAUPERIS STATUS [34]**

Plaintiff filed the Complaint in this action on October 28, 2019. (Dkt. No. 1.) On October 31, 2019, the Court granted Plaintiff’s Request to Proceed in Forma Pauperis. (Dkt. No. 5.) On February 6, 2020, this Court issued an order granting Defendants’ Motion to Dismiss, and dismissed the action with prejudice because Plaintiff is collaterally estopped from bringing this action and the action is barred pursuant to the Rooker-Feldman doctrine. (Dkt. No. 31 (the “Order”).)

Plaintiff filed a notice of appeal of the Order on February 10, 2020. (Dkt. No. 32.) On February 24, 2020, the Ninth Circuit referred the matter to this Court “for the limited purpose of determining whether in forma pauperis status should continue for this appeal or whether the appeal is frivolous or taken in bad faith.”

1 (Dkt. No. 34.)

2 The Court finds Plaintiff's in forma pauperis status should not continue for  
3 the appeal because Plaintiff's appeal of the Order is frivolous. Therefore, the  
4 Court revokes Plaintiff's in forma pauperis status. *See* 28 U.S.C. § 1915(a)(3)  
5 ("An appeal may not be taken in forma pauperis if the trial court certifies in  
6 writing that it is not taken in good faith."); *Hooker v. Am. Airlines*, 302 F.3d 1091,  
7 1092 (9th Cir. 2002) (revocation of in forma pauperis status is appropriate where  
8 the district court finds the appeal to be frivolous).

9 The clerk of this Court shall provide notice to the Ninth Circuit and the  
10 parties of this Order.

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12 **IT IS SO ORDERED.**

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14 DATED: February 27, 2020.

15

CONSUELO B. MARSHALL  
UNITED STATES DISTRICT JUDGE

16

CC: 9<sup>TH</sup> COA

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