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APPENDIX A

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

SEP 20 2019

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

DESHAY D. FORD,

No. 19-55397

Plaintiff-Appellant,

D.C. No. 2:19-cv-00522-PSG-SK
Central District of California,
Los Angeles

v.

ORDER

TIMOTHY P. WHITE, Dr., Chancellor
State University of California; GARY
KINSEY, Dr., Program Director of Doctoral
Degree in Educational Leadership,

Defendants-Appellees.

Before: FARRIS, TASHIMA, and NGUYEN, Circuit Judges.

The district court certified that this appeal is not taken in good faith and has denied appellant leave to proceed on appeal in forma pauperis. *See* 28 U.S.C. § 1915(a). On May 6, 2019, the court ordered appellant to explain in writing why this appeal should not be dismissed as frivolous. *See* 28 U.S.C. § 1915(e)(2). (court shall dismiss case at any time, if court determines it is frivolous or malicious).

Upon a review of the record and responses to the court's May 6, 2019 order, we conclude this appeal is frivolous.

We therefore deny appellant's motions to proceed in forma pauperis (Docket Entry Nos. 2 & 5) and dismiss this appeal as frivolous, pursuant to 28 U.S.C.

§ 1915(e)(2).

APPENDIX A ①

APPENDIX A 2[#]

All other pending motions are denied as moot.

DISMISSED.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAY 6 2019

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

DESHAY D. FORD,

Plaintiff-Appellant,

v.

TIMOTHY P. WHITE, Dr., Chancellor
State University of California; GARY
KINSEY, Dr., Program Director of Doctoral
Degree in Educational Leadership,

Defendants-Appellees.

No. 19-55397

D.C. No.

2:19-cv-00522-PSG-SK

Central District of California,
Los Angeles

ORDER

A review of the district court's docket reflects that the district court denied appellant leave to proceed in forma pauperis on appeal and certified that the appeal would be frivolous and not taken in good faith. This court may dismiss a case at any time, if the court determines the case is frivolous. *See* 28 U.S.C. § 1915(e)(2).

Within 35 days after the date of this order, appellant must:

- (1) file a motion to dismiss this appeal, *see* Fed. R. App. P. 42(b), or
- (2) file a statement explaining why the appeal is not frivolous and should go forward.

If appellant does not respond to this order, the Clerk will dismiss this appeal for failure to prosecute, without further notice. *See* 9th Cir. R. 42-1. If appellant files a motion to dismiss the appeal, the Clerk will dismiss this appeal, pursuant to

Federal Rule of Appellate Procedure 42(b). If appellant submits any response to this order other than a motion to dismiss the appeal, the court may dismiss this appeal as frivolous, without further notice.

If appellant files a statement that the appeal should go forward, appellee may file a response within 10 days after service of appellant's statement.

The briefing schedule for this appeal is stayed.

The Clerk shall serve on appellant: (1) a form motion to voluntarily dismiss the appeal, and (2) a form statement that the appeal should go forward. Appellant may use the enclosed forms for any motion to dismiss the appeal or statement that the appeal should go forward.

All other pending motions will be addressed after compliance with this order to show cause.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Joseph Williams
Deputy Clerk
Ninth Circuit Rule 27-7

E-FILED

APR 16 2019

Document #

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Appeals Section

Deshay David Ford

PLAINTIFF(S),

v.

Dr. Timothy P. White et al

DEFENDANT(S).

CASE NUMBER:

CV 19-522-PSG

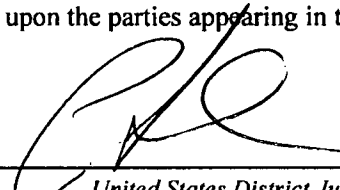
ORDER ON MOTION FOR LEAVE TO APPEAL IN
FORMA PAUPERIS:☐ 28 U.S.C. 753(f)☐ 28 U.S.C. 1915

The Court, having reviewed the Motion for Leave to Appeal In Forma Pauperis and Affidavit thereto, hereby ORDERS: *(The check mark in the appropriate box indicates the Order made.)*

☒ **The court has considered the motion and the motion is DENIED.** The Court certifies that the proposed appeal is not taken in good faith under 28 U.S.C. 1915(a) and is frivolous, without merit and does not present a substantial question within the meaning of 28 U.S.C. 753(f).

The Clerk is directed to serve copies of this Order, by United States mail, upon the parties appearing in this cause.

4/16/19
Date


United States District Judge

☐ **The Court has considered the motion and the motion is GRANTED.** It appears to the Court that the proposed appeal is taken in good faith within the meaning of 28 U.S.C. 1915(a). The Court certifies that the proposed appeal is not frivolous, that it presents a substantial question. The within moving party is authorized to prosecute an appeal in forma pauperis to the United States Court of Appeals for the Ninth Circuit without pre-payment of any fees or costs and without giving security therefor.

☐ A transcript is needed to decide the issue presented by the proposed appeal, all within the meaning of 28 U.S.C. 753 (f). The Court Reporter is directed to prepare and file with the Clerk of this Court an original and one copy of a transcript of all proceedings had in this Court in this cause; the attorney for the appellant is advised that a copy of the transcript will be made available. The expense of such transcript shall be paid by the United States pursuant to 28 U.S.C. 1915(c) and 753(f).

The Clerk is directed to serve copies of this Order upon the parties appearing in this cause.

Date

United States District Judge

APPENDIX B 1# A 1/12/19

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JS-6

CIVIL MINUTES - GENERAL

| | | | |
|----------|---|------|---------------|
| Case No. | CV 19-522 PSG (SKx) | Date | March 8, 2019 |
| Title | Deshay David Ford v. Dr. Timothy P. White, et al. | | |

Present: The Honorable Philip S. Gutierrez, United States District Judge

Wendy Hernandez

Not Reported

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiff(s):

Attorneys Present for Defendant(s):

Not Present

Not Present

Proceedings (In Chambers): The Court DISMISSES the case with prejudice

On March 1, 2019, the Court denied Plaintiff Deshay David Ford's ("Plaintiff") second request to proceed in forma pauperis and motion for reconsideration of the Court's order denying in forma pauperis status. *See* Dkt. # 22. The Court ordered Plaintiff to pay the filing fee no later than March 7, 2019. *Id.* The order warned Plaintiff that failure to pay would result in his case being dismissed with prejudice, because it was the second time that Plaintiff failed to pay the filing fee as ordered.¹ *See id.*

Since then, Plaintiff has filed two more requests to proceed in forma pauperis, a renewed motion for reconsideration, and a renewed motion to disqualify Judge Philip S. Gutierrez. *See* Dkts. # 23-25, 30. Plaintiff's motion to disqualify was referred to Judge John A. Kronstadt, who denied the motion. *See* Dkts. # 28-29.

Having read and considered Plaintiff's moving papers, the Court **DENIES** Plaintiff's renewed requests to proceed in forma pauperis (Dkts. # 23, 30) and motion for reconsideration (Dkt. # 25). Because the due date for paying the filing fee has passed and Plaintiff has not yet paid, the Court **DISMISSES** the case *with* prejudice. Accordingly, Defendants Timothy White and Gary Kinsey's motion to dismiss (Dkt. # 11) is **RENDERED MOOT** and the hearing set for April 8, 2019 is **VACATED**. This order closes the case. The Clerk is directed not to accept any more filings in this case.

IT IS SO ORDERED.

¹ The Court previously denied Plaintiff in forma pauperis status in an earlier case raising the same claims as this case and later dismissed the case without prejudice when Plaintiff failed to pay the filing fee. *See* No. CV 18-7637 PSG (SKx), Dkts. # 7, 17.

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APPENDIX C

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 19-522 PSG (SKx)

Date March 1, 2019

Title Deshay David Ford v. Dr. Timothy P. White, et al.

Present: The Honorable Philip S. Gutierrez, United States District Judge

Wendy Hernandez

Not Reported

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiff(s):

Attorneys Present for Defendant(s):

Not Present

Not Present

Proceedings (In Chambers): Order DENYING Plaintiff's request and motion re: in forma pauperis status

On February 8, 2019, the Court denied Plaintiff Deshay David Ford's ("Plaintiff") request to proceed in forma pauperis and ordered him to pay the filing fee within 30 days or the case would be dismissed. *See* Dkt. # 8 ("*Feb. 8 Order*").¹ Currently before the Court are Plaintiff's second request to proceed in forma pauperis and motion for reconsideration of the Court's order denying in forma pauperis status. *See* Dkts. # 14, 15. Having read and considered the request and motion, both are **DENIED**.

Plaintiff must pay the filing fee no later than **March 7, 2019** in accordance with the Court's previous order or this case will be dismissed. The dismissal would be *with* prejudice as this would be the second time Plaintiff failed to pay the filing fee as ordered.

IT IS SO ORDERED.

cc: Magistrate Judge
Fiscal

¹ The Court previously denied Plaintiff in forma pauperis status in an earlier case raising the same claims as this case and later dismissed that case without prejudice when Plaintiff failed to pay the filing fee. *See* No. CV 18-7637 PSG (SKx), Dkts. # 7, 17.

APPENDIX C (3)