

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

FEB 27 2019

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

JOSE LUIS MORALES,

Plaintiff-Appellant,

v.

G. D. LEWIS; et al.,

Defendants-Appellees,

and

MATTHEW CATE,

Defendant.

No. 18-16842

D.C. No. 5:11-cv-05211-EJD
Northern District of California,
San Jose

ORDER

Before: CANBY, GRABER, and McKEOWN, Circuit Judges.

The district court certified that this appeal is not taken in good faith and revoked appellant's in forma pauperis status. *See* 28 U.S.C. § 1915(a).

On October 18, 2018, 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 the response to the court's October 18, 2018 order, we conclude this appeal is frivolous.

We therefore deny appellant's motion to proceed in forma pauperis (Docket Entry No. 6) and dismiss this appeal as frivolous, pursuant to 28 U.S.C.

§ 1915(e)(2).

DISMISSED.

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AUG 28 2019

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Before: CANBY, GRABER, and McKEOWN, Circuit Judges.

We treat Morales's petition (Docket Entry No. 12) as a combined motion for reconsideration and motion for reconsideration en banc.

Morales's motion for reconsideration is denied and Morales's motion for reconsideration en banc is denied on behalf of the court. *See* 9th Cir. R. 27-10; 9th Cir. Gen. Ord. 6.11.

No further filings will be entertained in this closed case.