

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

APR 13 2020

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

JAMES L. MILLER,

Plaintiff-Appellant,

v.

SCOTT S. HARRIS, in his individual and
official capacity; DOES,

Defendants-Appellees.

No. 19-56319

D.C. No. 2:19-cv-08910-AB-KS
Central District of California,
Los Angeles

ORDER

Before: TASHIMA, BYBEE, and WATFORD, 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 November 21, 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 November 21, 2019 order, we conclude this appeal is frivolous. We therefore deny appellant's motions to proceed in forma pauperis (Docket Entry Nos. 4 and 6) and dismiss this appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2).

DISMISSED.

appx. - F. - 114.

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

JAMES L. MILLER,

CASE NUMBER:

CV 19-8910-AB (KS)

PLAINTIFF(S),

v.

SCOTT S. HARRIS, et al,

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

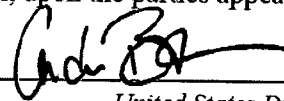
DEFENDANT(S).

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). Plaintiff is appealing this Court's denial of his application to proceed *in forma pauperis* ("IFP") in a lawsuit filed against the Clerk of the U.S. Supreme Court and several other "members" of the Supreme Court for their role in the denial of his petition for writ of certiorari. The Court denied Plaintiff's IFP application as legally and/or factually frivolous with a citation to *Sharma v. Stevas*, 790 F.2d 1486 (9th Cir. 1986). The Clerk is directed to serve copies of this Order, by United States mail, upon the parties appearing in this cause.

11/26/2019

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.

November 26, 2019

Date

United States District Judge