

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAR 18 2022

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

TYRONE HURT,

Plaintiff-Appellant,

v.

WILLIAMS, Jr., Judge,

Defendant-Appellee.

No. 21-15730

D.C. No. 3:13-mc-80053-SI
Northern District of California,
San Francisco

ORDER

Before: TASHIMA, FRIEDLAND, and BADE, Circuit Judges.

This court has reviewed the notice of appeal filed April 13, 2021 in the above-referenced district court docket pursuant to the pre-filing review order entered in docket No. 12-80208. Because this court lacks jurisdiction over this appeal, it shall not be permitted to proceed. *See* 28 U.S.C. § 2107(a); *United States v. Sadler*, 480 F.3d 932, 937 (9th Cir. 2007) (requirement of timely notice of appeal is jurisdictional); *see also In re Thomas*, 508 F.3d 1225 (9th Cir. 2007). Appeal No. 21-15730 is therefore dismissed.

This order, served on the district court for the Northern District of California, shall constitute the mandate of this court.

No motions for reconsideration, rehearing, clarification, stay of the mandate, or any other submissions shall be filed or entertained.

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7 TYRONE HURT,
8 Plaintiff,
9 v.
10 JUDGE ALEXANDER WILLIAMS, JR.,
11 Defendant.

Case No. 13-mc-80053-SI

Order also to be filed in C 12-4187 EMC

**ORDER DENYING PLAINTIFF'S
MOTION TO PROCEED *IN FORMA
PAUPERIS* ON APPEAL**

Re: Dkt. No. 7

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13 On April 13, 2021, plaintiff Tyrone Hurt filed a motion for leave to proceed *in forma*
14 *pauperis* on appeal. Plaintiff states that he wishes to appeal a March 20, 2013 order issued by this
15 Court; in the March 20, 2013 order, the Court conducted a pre-filing review of plaintiff's proposed
16 complaint, concluded that the complaint was frivolous, and directed the Clerk of the Court not to
17 accept the new complaint for filing. *See* Dkt. No. 2. Plaintiff has already appealed that order – on
18 April 11, 2013 (Dkt. No. 3) – and this Court denied an earlier motion to proceed *in forma pauperis*
19 in that appeal, certifying that the appeal was not taken in good faith for the reasons set forth in the
20 March 20, 2013 order. *See* Dkt. No. 5.

21 Pursuant to Federal Rule of Appellate Procedure 24(a)(2), the Court DENIES plaintiff's
22 motion to proceed *in forma pauperis* on appeal and certifies that the appeal is not taken in good
23 faith. The appeal is frivolous for the additional reason that it is untimely and duplicative of the
24 earlier appeal.

25 **The Clerk shall not accept any further filings in this closed miscellaneous case.**

26 **IT IS SO ORDERED.**

27 Dated: April 21, 2021



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SUSAN ILLSTON
United States District Judge