

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAY 16 2017

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

RAYMOND EUGENE PEYTON,

Plaintiff-Appellant,

v.

EDMUND G. BROWN, Jr.; et al.,

Defendants-Appellees.

No. 17-55140

D.C. No.

5:13-cv-00424-RGK-JPR

Central District of California,
Riverside

ORDER

Before: REINHARDT, CALLAHAN, 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. On February 14, 2017, 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 response to the court's February 14, 2017 order, we conclude this appeal is frivolous. We therefore deny appellant's motion to proceed in forma pauperis (Docket Entry No. 5) and dismiss this appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2).

DISMISSED.

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AUG 29 2017

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The motion for reconsideration is denied (Docket Entry No 10). *See* 9th Cir.

R. 27-10. The motion for reconsideration en banc is denied on behalf of the court
(Docket Entry No 10). *See* 9th Cir. Gen. Ord. 6.11.

No further filings will be entertained in this closed case.