

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUL 11 2018

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

JESS R. SMITH,

Plaintiff-Appellant,

v.

R. GONZALEZ; et al.,

Defendants-Appellees.

No. 18-35213

D.C. No. 4:17-cv-05082-RMP
Eastern District of Washington,
Richland

ORDER

Before: CANBY, W. FLETCHER, and CALLAHAN, Circuit Judges.

The district court certified that this appeal is not taken in good faith. *See* 28 U.S.C. § 1915(a). On March 16, 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 response to the court’s March 16, 2018 order, we conclude this appeal is frivolous. We therefore deny appellant’s motion to proceed in forma pauperis (Docket Entry No. 4) and dismiss this appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2).

DISMISSED.