

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

JUL 17 2018

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

DAVID TROUPE,

Plaintiff-Appellant,

v.

KATRINA SUCKOW; et al.,

Defendants-Appellees.

No. 17-35050

D.C. No. 2:13-cv-05038-EFS  
Eastern District of Washington,  
Spokane

ORDER

Before: TASHIMA, SILVERMAN, and GRABER, Circuit Judges.

On July 10, 2017, the court dismissed this appeal for failure to prosecute because appellant had not responded to the May 25, 2017 order to show cause. *See* 9th Cir. R. 42-1. Appellant has now responded to the order to show cause.

The motion to reinstate this appeal (Docket Entry No. 8) is granted. The July 10, 2017 order is vacated, and the appeal is reinstated.

However, upon a review of the record, the response to the order to show cause, and the opening brief received on July 24, 2017, we conclude this appeal is frivolous. We therefore dismiss this appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2) (court shall dismiss case at any time, if court determines it is frivolous).

All other pending motions are denied as moot.

**DISMISSED.**