

FILED

UNITED STATES COURT OF APPEALS

MAY 14 2014

FOR THE NINTH CIRCUIT

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

<p>JAMES O'NEIL WIGGIN,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p style="text-align: center;">v.</p> <p>MD WILLIAM ROLLINS; et al.,</p> <p style="text-align: center;">Defendants - Appellees.</p>

No. 14-35070

D.C. No. 3:13-cv-05057-BHS
Western District of Washington,
Tacoma

ORDER

Before: LEAVY and HURWITZ, Circuit Judges.

The district court has revoked appellant's in forma pauperis status. We deny appellant's motion to proceed in forma pauperis because we find the appeal is frivolous. *See* 28 U.S.C. § 1915(a).

If appellant wishes to pursue this appeal despite the court's finding that it is frivolous then, within 21 days after the date of this order, appellant shall pay \$505.00 to the district court as the docketing and filing fees for this appeal and file proof of payment with this court. Otherwise, the appeal will be dismissed by the Clerk for failure to prosecute, regardless of further filings. *See* 9th Cir. R. 42-1.

No motions for reconsideration, clarification, or modification of the denial of appellant's in forma pauperis status shall be entertained.

Because the court has found that this appeal is frivolous, the district court judgment may be summarily affirmed even if appellant pays the fees. If appellant pays the fees and files proof of such payment in this court, appellant therefore shall simultaneously show cause why the judgment challenged in this appeal should not be summarily affirmed. *See* 9th Cir. R. 3-6. If appellant elects to show cause, a response may be filed within 10 days after service of appellant's filing. If appellant pays the fees but fails to file a response to this order, the court will consider whether to summarily affirm the judgment based on the opening brief received April 25, 2014.

If the appeal is dismissed for failure to comply with this order, the court will not entertain any motion to reinstate the appeal that is not accompanied by proof of payment of the docketing and filing fees.

Briefing is suspended pending further order of this court.

From: ca9_ecfnoticing@ca9.uscourts.gov
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United States Court of Appeals for the Ninth Circuit

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Case Name: James Wiggin v. MD William Rollins, et al
Case Number: [14-35070](#)
Document(s): [Document\(s\)](#)

Docket Text:

Filed order (EDWARD LEAVY and ANDREW D. HURWITZ) The district court has revoked appellant's in forma pauperis status. We deny appellant's motion to proceed in forma pauperis because we find the appeal is frivolous. See 28 U.S.C. § 1915(a). If appellant wishes to pursue this appeal despite the court's finding that it is frivolous then, within 21 days after the date of this order, appellant shall pay \$505.00 to the district court as the docketing and filing fees for this appeal and file proof of payment with this court. Otherwise, the appeal will be dismissed by the Clerk for failure to prosecute, regardless of further filings. See 9th Cir. R. 42-1. No motions for reconsideration, clarification, or modification of the denial of appellant's in forma pauperis status shall be entertained. Because the court has found that this appeal is frivolous, the district court judgment may be summarily affirmed even if appellant pays the fees. If appellant pays the fees and files proof of such payment in this court, appellant therefore shall simultaneously show cause why the judgment challenged in this appeal should not be summarily affirmed. See 9th Cir. R. 3-6. If appellant elects to show cause, a response may be filed within 10 days after service of appellant's filing. If appellant pays the fees but fails to file a response to this order, the court will consider whether to summarily affirm the judgment based on the opening brief received April 25, 2014. If the appeal is dismissed for failure to comply with this order, the court will not entertain any motion to reinstate the appeal that is not accompanied by proof of payment of the docketing and filing fees. Briefing is suspended pending further order of this court. [9095399] (WL)

Notice will be electronically mailed to:

Candie M. Dibble, Assistant Attorney General
Guy Michelson, Attorney
Honorable Benjamin H. Settle, District Judge
USDC, Tacoma
Philip J. VanDerhoef
Todd Tyler Williams

Case participants listed below will not receive this electronic notice:

James O'Neil Wiggin
AHCC - AIRWAY HEIGHTS CORRECTIONS CENTER
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