

**FILED**

UNITED STATES COURT OF APPEALS

JAN 11 2017

FOR THE NINTH CIRCUIT

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

DEAN WILDERMUTH,

Plaintiff-Appellant,

v.

BERNARD WARNER; et al.,

Defendants-Appellees.

No. 16-35403

D.C. No. 2:14-cv-00223-TOR  
Eastern District of Washington,  
Spokane

ORDER

Before: LEAVY, SILVERMAN, and BEA, Circuit Judges.

The district court certified that this appeal is not taken in good faith and revoked appellant's in forma pauperis status. *See* 28 U.S.C. § 1915(a). On September 28, 2016, 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 September 28, 2016 order, we conclude this appeal is frivolous. We therefore deny appellant's motion to proceed in forma pauperis (Docket Entry No. 2) and dismiss this appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2).

**DISMISSED.**

SLL/MOATT