

SEP 4 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RODRICK GORDON DeROCK,

Plaintiff - Appellant,

v.

SPRINT-NEXTEL; et al.,

Defendants - Appellees.

No. 14-35534

D.C. Nos.

1:11-cv-00619-BLW-LMB

1:12-cv-00024-BLW-LMB

1:12-cv-00168-BLW-LMB

1:12-cv-00169-BLW-LMB

1:12-cv-00176-BLW-LMB

1:12-cv-00177-BLW-LMB

1:12-cv-00301-BLW-LMB

1:12-cv-00305-BLW-LMB

1:12-cv-00316-BLW-LMB

1:12-cv-00339-BLW-LMB

MEMORANDUM*

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

Appeal from the United States District Court
for the District of Idaho
B. Lynn Winmill, Chief Judge, Presiding

Submitted August 26, 2014**

Before: THOMAS, OWENS, and FRIEDLAND, Circuit Judges.

The motion to proceed in forma pauperis is granted. The Clerk shall amend the docket to reflect this status.

Rodrick Gordon DeRock appeals pro se from the district court's order denying his requests to proceed in forma pauperis and for permission to file eleven related actions, as required under a pre-filing order against him. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the determination that a complaint is frivolous, and for an abuse of discretion the denial of leave to proceed in forma pauperis. *Tripati v. First Nat'l Bank & Trust*, 821 F.2d 1368, 1369 (9th Cir. 1987). We may affirm on any basis supported by the record, *O'Loughlin v. Doe*, 920 F.2d 614, 616 (9th Cir. 1990), and we affirm.

Denial of DeRock's requests to proceed in forma pauperis was not an abuse of discretion because the allegations in DeRock's proposed complaints were either frivolous or without merit. *See Neitzke v. Williams*, 490 U.S. 319, 325 (1989)

** The panel unanimously concludes this case is suitable for decision without oral argument. *See Fed. R. App. P. 34(a)(2)*.

("[The] term 'frivolous,' when applied to a complaint, embraces not only the inarguable legal conclusion, but also the fanciful factual allegation."); *O'Loughlin*, 920 F.2d at 617 (defining "frivolous" as having no arguable basis in fact or law); *Tripati*, 821 F.2d at 1370 ("A district court may deny leave to proceed in forma pauperis at the outset if it appears from the face of the proposed complaint that the action is frivolous or without merit.").

Because we affirm the district court's denial of in forma pauperis status, we do not address its denial of permission to file the same actions based on the pre-filing order.

We reject as lacking any factual basis DeRock's conclusory contentions that the district court judge is covering up crimes being committed against him by denying him permission to file these eleven related actions.

DeRock's motions to submit phone audio recordings are denied.

AFFIRMED.