

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 23 2019

FOR THE NINTH CIRCUIT

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

MAXWELL RANGEL JOELSON,

No. 18-56276

Plaintiff-Appellant,

D.C. No. 8:18-cv-00777-AG-DFM

v.

MEMORANDUM*

UNITED STATES DEPARTMENT OF
JUSTICE; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Central District of California
Andrew J. Guilford, District Judge, Presiding

Submitted January 15, 2019**

Before: TROTT, TALLMAN, and CALLAHAN, Circuit Judges.

Joelson's request to proceed in forma pauperis (Docket Entry No. 2) is
granted.

The Clerk shall file the opening brief submitted at Docket Entry No. 4.

Maxwell Rangel Joelson appeals pro se from the district court's order

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

denying his application to proceed in forma pauperis (“IFP”) in his action alleging federal claims relating to his federal criminal conviction. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion the denial of leave to proceed IFP, and de novo a determination that a complaint lacks arguable substance in law or fact. *Tripati v. First Nat’l Bank & Tr.*, 821 F.2d 1368, 1369 (9th Cir. 1987). We affirm.

The district court did not abuse its discretion by denying Joelson’s motion to proceed IFP because Joelson failed to allege facts in his proposed complaint sufficient to state a claim. *See id.* at 1370 (district court may deny leave to proceed IFP “at the outset if it appears from the face of the proposed complaint that the action is frivolous or without merit”).

AFFIRMED.