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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

ARTHUR T. BUSSIERE,	)	1:10cv00945 AWI DLB PC
	)	
Plaintiff,	)	ORDER REGARDING IN FORMA
	)	PAUPERIS STATUS ON APPEAL
vs.	)	
	)	
CANO, et al.,	)	
	)	
Defendants.	)	

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Plaintiff Arthur T. Bussiere is a prisoner proceeding pro se and in formal pauperis in this civil rights action filed on May 26, 2010. On March 26, 2013, the Court dismissed the action for failure to exhaust administrative remedies. Plaintiff filed a notice of appeal on April 8, 2013.

On April 16, 2013, the Ninth Circuit Court of Appeals referred the matter back to this Court for the limited purpose of determining whether in forma pauperis status should continue for the appeal, or whether the appeal is frivolous or taken in bad faith. 28 U.S.C. § 1915(a)(3).

The Court finds that this appeal is not taken in bad faith and is not frivolous. Accordingly, in forma pauperis status should not be revoked and should continue on appeal.

1 IT IS SO ORDERED.

2 Dated: April 17, 2013

3 /s/ Dennis L. Beck  
4 UNITED STATES MAGISTRATE JUDGE  
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