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

EMILIANO LOPEZ,	)	1:11cv00107 LJO DLB PC
	)	
Plaintiff,	)	ORDER REGARDING IN FORMA
	)	PAUPERIS STATUS ON APPEAL
vs.	)	
	)	
JAMES A. YATES, et al.,	)	
	)	
Defendants.	)	

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Plaintiff Emiliano Lopez, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action on January 21, 2011. On November 22, 2013, the Court dismissed the action for failure to state a claim for which relief may be granted. Plaintiff filed a notice of appeal on December 5, 2013.

On December 9, 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).

