

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT PAUL,)	1:11cv00769 DLB PC
)	
Plaintiff,)	ORDER REGARDING IN FORMA
)	PAUPERIS STATUS ON APPEAL
vs.)	
)	
KATHLEEN ALLISON, et al.,)	
)	
Defendants.)	

Plaintiff Robert Paul is a prisoner proceeding pro se and in formal pauperis in this civil rights action filed on May 12, 2011. On January 31, 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 February 19, 2013.

On February 26, 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).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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.

IT IS SO ORDERED.

Dated: March 6, 2013

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE