

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JAMES E. WHITE,) 1:12-cv-00917-BAM (PC)
Plaintiff,)
vs.) ORDER REGARDING IN FORMA
MARK N. PAZIN, et al.,) PAUPERIS STATUS ON APPEAL
Defendants.)

Plaintiff James E. White (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action on June 6, 2012. The action was dismissed with prejudice on December 6, 2013. Plaintiff filed a notice of appeal on December 23, 2013.

On January 7, 2014, 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.

IT IS SO ORDERED.

Dated: **January 13, 2014**

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE