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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

<p>DARNELL DUKES,</p> <p style="padding-left: 100px;">Plaintiff,</p> <p style="padding-left: 100px;">vs.</p> <p>C. GARCIA,</p> <p style="padding-left: 100px;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>1:12cv00941 LJO DLB PC</p> <p>ORDER REGARDING PLAINTIFF’S IN FORMA PAUPERIS STATUS ON APPEAL</p> <p>(Document 43)</p>
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Plaintiff Darnell Duker (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action on June 11, 2012. The Court granted Defendant’s motion to dismiss and dismissed the action on February 24, 2014.

Plaintiff filed a notice of appeal on March 24, 2014.

On March 27, 2014, the Ninth Circuit referred the appeal to this Court for the limited purpose of determining whether in forma pauperis status should continue for this appeal, or whether the appeal is frivolous or is taken in bad faith. 28 U.S.C. § 1915(a)(3).

1 Plaintiff's appeal is not frivolous, nor is it taken in bad faith. Accordingly, Plaintiff's in
2 forma pauperis status should continue on appeal.

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6 IT IS SO ORDERED.

7 Dated: March 28, 2014

/s/ Dennis L. Beck
8 UNITED STATES MAGISTRATE JUDGE