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5 **UNITED STATES DISTRICT COURT**  
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7 **EASTERN DISTRICT OF CALIFORNIA**  
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9 SUSAN MAE POLK, ) 1:12-cv-01094-LJO-BAM (PC)  
10 Plaintiff, )  
11 v. ) APPEAL NO. 15-17425  
12 GODINA, et al., ) ORDER REGARDING IN FORMA  
13 Defendants. ) PAUPERIS STATUS ON APPEAL  
14 ) (ECF No. 57)

15 Plaintiff Susan Mae Polk (“Plaintiff”), a state prisoner proceeding pro se and in forma  
16 pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983. On November 16, 2015,  
17 judgment was entered dismissing this action with prejudice for failure to state a claim. (ECF  
18 Nos. 48, 49.) Plaintiff appealed.

19 On December 11, 2015, the Ninth Circuit Court of Appeals referred the matter back to  
20 this Court for the limited purpose of determining whether in forma pauperis status should  
21 continue for the appeal or whether the appeal is frivolous or taken in bad faith. 28 U.S.C. §  
22 1915(a)(3). The Court finds that this appeal is not taken in bad faith and is not frivolous.  
23 Accordingly, in forma pauperis status should not be revoked and should continue on appeal.

24  
25 IT IS SO ORDERED.

26 Dated: December 16, 2015

27 /s/ Barbara A. McAuliffe  
28 UNITED STATES MAGISTRATE JUDGE