## 1 2 3 4 5 **UNITED STATES DISTRICT COURT** 6 7 EASTERN DISTRICT OF CALIFORNIA 8 9 10 1:13cv00021 DLB PC 11 RODERICK HIMES, 12 ORDER REGARDING PLAINTIFF'S Plaintiff, IN FORMA PAUPERIS STATUS ON APPEAL 13 VS. 14 (Document 24) CONNIE GIPSON, et al., 15 Defendants. 16 Plaintiff Roderick Himes ("Plaintiff"), a state prisoner proceeding pro se and in forma 17 pauperis, filed this civil rights action on January 7, 2013.<sup>1</sup> 18 19 On April 2, 2014, the Court dismissed Plaintiff's First Amended Complaint ("FAC") 20 without leave to amend and entered judgment. 21 Plaintiff filed a notice of appeal on August 28, 2014. 22 On September 19, 2014, the Ninth Circuit referred the appeal to this Court for the limited 23 purpose of determining whether in forma pauperis status should continue for this appeal, or 24 whether the appeal is frivolous or is taken in bad faith. 28 U.S.C. § 1915(a)(3). 25 26 27 28

<sup>&</sup>lt;sup>1</sup> Plaintiff consented to the jurisdiction of the United States Magistrate Judge on February 21, 2013.

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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4	IT IS SO ORDERED.
5	Dated: September 19, 2014 /s/ Dennis L. Beck
6	Dated: September 19, 2014 /s/ Dennis L. Beck UNITED STATES MAGISTRATE JUDGE
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