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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

JOSEPH GRIMES,	)	1:13cv00393 DLB PC
	)	
Plaintiff,	)	ORDER REGARDING IN FORMA
	)	PAUPERIS STATUS ON APPEAL
vs.	)	
	)	
BITER, et al.,	)	
	)	
Defendants.	)	

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Plaintiff Joseph Grimes (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action on March 18, 2013.<sup>1</sup> On August 13, 2014, the Court screened Plaintiff’s SAC and dismissed it without leave to amend for failure to state a claim. The Court also entered judgment on April 13, 2014.

On October 9, 2014, Plaintiff filed a notice of appeal.

On October 14, 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).

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<sup>1</sup> Plaintiff consented to the jurisdiction of the United States Magistrate Judge on June 3, 2013.

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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: October 15, 2014

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE