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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

DEWAYNE THOMPSON,	)	1:13-cv-00527-AWI-BAM (PC)
	)	
Plaintiff,	)	ORDER REGARDING IN FORMA
	)	PAUPERIS STATUS ON APPEAL
vs.	)	
	)	
J. DEPOND,	)	
	)	
Defendant.	)	

Plaintiff DeWayne Thompson (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action on April 12, 2013. On May 9, 2014, the Court dismissed this action for failure to state a claim. Plaintiff filed a notice of appeal on May 19, 2014.

On May 21, 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: May 21, 2014

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE