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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

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9 ALEX TABATABAEE,) 1:13-cv-00911-LJO-BAM (PC)
10 Plaintiff,) APPEAL NO. 15-16483
11 vs.) ORDER REGARDING IN FORMA
12 BRIAN MARSHALL, et al.,) PAUPERIS STATUS ON APPEAL
13 Defendants.)
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15 Plaintiff Alex Tabatabaee (“Plaintiff”), a state prisoner proceeding pro se and in forma
16 pauperis, filed this civil rights action on June 17, 2013. On July 2, 2015, the Court dismissed the
17 action for failure to state a cognizable claim. Plaintiff appealed.

18 On July 28, 2015, the Ninth Circuit Court of Appeals referred the matter back to this
19 Court for the limited purpose of determining whether in forma pauperis status should continue
20 for the appeal or whether the appeal is frivolous or taken in bad faith. 28 U.S.C. § 1915(a)(3).

21 The Court finds that this appeal is not taken in bad faith and is not frivolous.
22 Accordingly, in forma pauperis status should not be revoked and should continue on appeal.

23 IT IS SO ORDERED.

24 Dated: July 29, 2015

25 /s/ Barbara A. McAuliffe
26 UNITED STATES MAGISTRATE JUDGE
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