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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BERNARD SPENCER,)	1:13-cv-01944-BAM (PC)
)	
Plaintiff,)	ORDER REGARDING IN FORMA
)	PAUPERIS STATUS ON APPEAL
vs.)	
)	
REYNALDO REYES, et al.,)	
)	
Defendants.)	

Plaintiff Bernard Spencer (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action on December 2, 2013. On March 26, 2015, the Court dismissed the action for failure to state a cognizable claim. Plaintiff appealed.

On April 15, 2015, 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: April 17, 2015

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE