UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOSE LUIS BUENROSTRO, Plaintiff, v. FAJARDO, Defendant.	Case No. 1:14-cv-00075-DAD-BAM (PC) Appeal No. 18-15488 ORDER REGARDING *IN FORMA PAUPERIS* STATUS ON APPEAL

Plaintiff Jose Luis Buenrostro, ("Plaintiff"), a federal prisoner proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). On January 30, 2018, the Court dismissed this action for failure to state a claim. (ECF Nos. 64, 65.) On February 15, 2018, Plaintiff filed a motion for reconsideration together with a notice of appeal. (ECF Nos. 66, 68.) On March 22, 2018, the Court denied Plaintiff's motion for reconsideration and directed the Clerk of the Court to process Plaintiff's notice of appeal. (ECF No. 67.)

On March 29, 2018, 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. 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: **March 30, 2018**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE