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5 **UNITED STATES DISTRICT COURT**

6 EASTERN DISTRICT OF CALIFORNIA  
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8 DERRICK JESUS ODEN,  
9 Plaintiff,  
10 v.  
11 STATE OF CALIFORNIA, et al.,  
12 Defendants.

Case No. 1:14-cv-00873-LJO-BAM (PC)

Appeal No. 19-15052

ORDER REGARDING *IN FORMA PAUPERIS*  
STATUS ON APPEAL

14 Plaintiff Derrick Jesus Oden (“Plaintiff”), a state prisoner proceeding *pro se* and *in forma*  
15 *pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983. On December 7, 2018, the  
16 Court granted Defendants’ motion to dismiss on the ground that Defendants are entitled to  
17 qualified immunity. (ECF No. 59.) Judgment was entered accordingly the same date. (ECF No.  
18 60.) On January 3, 2019, Plaintiff filed a notice of appeal. (ECF No. 61.)

19 On January 28, 2019, the Ninth Circuit Court of Appeals referred the matter back to this  
20 Court for the limited purpose of determining whether *in forma pauperis* status should continue for  
21 the appeal. 28 U.S.C. § 1915(a)(3). The Court finds that this appeal is not taken in bad faith and  
22 is not frivolous. Accordingly, *in forma pauperis* status should not be revoked and should  
23 continue on appeal.

24 IT IS SO ORDERED.  
25

26 Dated: January 29, 2019

27 /s/ *Barbara A. McAuliffe*  
28 UNITED STATES MAGISTRATE JUDGE