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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY TYRONE CAMPBELL, SR.,
Plaintiff,
v.
JEFFERY BEARD, et al.,
Defendants.

Case No.: 1:14-cv-00918-DAD-BAM (PC)
APPEAL NO. 16-16464
ORDER REGARDING IN FORMA PAUPERIS
STATUS ON APPEAL

Plaintiff Anthony Tyrone Campbell, Sr. (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. On August 3, 2016, the Court dismissed this action for failure to state a claim. (ECF Nos. 18, 19.) Plaintiff appealed. (ECF No. 20.)

On August 29, 2016, 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: November 21, 2016

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE