

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GUILLERMO C. TRUJILLO,) 1:14-cv-01401-BAM (PC)
Plaintiff,) APPEAL NO. 15-15952
vs.) ORDER REGARDING IN FORMA
STU SHERMAN,) PAUPERIS STATUS ON APPEAL
Defendant.)

Plaintiff Guillermo C. Trujillo (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action on September 8, 2014. On April 24, 2015, the Court dismissed the action for failure to state a cognizable claim. Plaintiff appealed.

On May 14, 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: May 15, 2015

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE