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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

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9 GUILLERMO C. TRUJILLO,) 1:14-cv-01401-BAM (PC)
10 Plaintiff,) APPEAL NO. 15-15952
11 vs.) ORDER REGARDING IN FORMA
12 STU SHERMAN,) PAUPERIS STATUS ON APPEAL
13 Defendant.)
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15 Plaintiff Guillermo C. Trujillo ("Plaintiff"), a state prisoner proceeding pro se and in
16 forma pauperis, filed this civil rights action on September 8, 2014. On April 24, 2015, the Court
17 dismissed the action for failure to state a cognizable claim. Plaintiff appealed.

18 On May 14, 2015, the Ninth Circuit Court of Appeals referred the matter back to this
19 Court for the limited purpose of determining whether in forma pauperis status should continue
20 for the appeal or whether the appeal is frivolous or taken in bad faith. 28 U.S.C. § 1915(a)(3).

21 The Court finds that this appeal is not taken in bad faith and is not frivolous.
22 Accordingly, in forma pauperis status should not be revoked and should continue on appeal.
23 IT IS SO ORDERED.

24 Dated: May 15, 2015

25 /s/ Barbara A. McAuliffe
26 UNITED STATES MAGISTRATE JUDGE
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