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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAMIAN E. GRIFFIN,
Plaintiff,
v.
DAVID LONG, et al.,
Defendants.

Case No. 1:15-cv-01361-BAM (PC)
Appeal No. 17-16295
ORDER REGARDING IN FORMA
PAUPERIS STATUS ON APPEAL

Plaintiff Damian E. Griffin (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. On May 3, 2017, the Court dismissed this action for failure to state a claim. (ECF Nos. 10, 11.) On May 15, 2017, Plaintiff appealed. (ECF No. 12.)

On June 28, 2017, 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: June 30, 2017

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE