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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	TONY TRAN,	Case No. 1:15-cv-01591-LJO-BAM (PC)
12	Plaintiff,	Appeal No. 17-16175
13	v.	ORDER REGARDING IN FORMA PAUPERIS STATUS ON APPEAL
14	D. DAVEY,	
15	Defendant.	
16		
17	Plaintiff Tony Tran ("Plaintiff") is a state prisoner proceeding pro se in this civil rights	
18	action pursuant to 42 U.S.C. § 1983. On May 3, 2017, the Court dismissed this action for failure	
19	to state a claim. (ECF Nos. 17, 18.) On June 5, 2017, Plaintiff appealed. (ECF No. 19.)	
20	On June 19, 2017, the Ninth Circuit Court of Appeals referred the matter back to this	
21	Court for the limited purpose of determining whether in forma pauperis status should continue for	
22	the appeal. 28 U.S.C. § 1915(a)(3). The Court finds that this appeal is not taken in bad faith and	
23	is not frivolous. Accordingly, in forma pauperis status should not be revoked and should	
24	continue on appeal.	
25	IT IS SO ORDERED.	
26	Dated: June 20, 2017	/s/Barbara A. McAuliffe
27		UNITED STATES MAGISTRATE JUDGE
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