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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

EDWARD DAVID JONES, JR.,)	1:16-cv-00469-DAD-BAM (PC)
)	
Plaintiff,)	Appeal No. 18-15262
)	
v.)	ORDER REGARDING IN FORMA
)	PAUPERIS STATUS ON APPEAL
SCHWARZENEGGER, et al.,)	
)	
Defendants.)	
)	

Plaintiff Edward David Jones, Jr. is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil action. On January 24, 2018, the Court dismissed this action for failure to state a claim. (ECF Nos. 35, 36.) On February 8, 2018, Plaintiff filed a notice of appeal. (ECF No. 37.)

On March 6, 2018, 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: March 9, 2018

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE