

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

ARMANDO ABREU,  
Plaintiff,  
v.  
G. JAIME, et al.,  
Defendants.

Case No. 1:16-cv-00715-DAD-BAM (PC)  
Appeal No. 18-15392  
ORDER REGARDING *IN FORMA PAUPERIS*  
STATUS ON APPEAL

Plaintiff Armando Abreu, (“Plaintiff”), a state prisoner proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983. On January 22, 2018, the Court dismissed this action for failure to state a claim. (ECF Nos. 33, 34.) On February 1, 2018, Plaintiff filed a notice of appeal. (ECF No. 35.)

On June 1, 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: June 4, 2018

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE