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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA
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9 SALADIN RUSHDAN,

10 Plaintiff,

11 v.

12 R. GEAR, et al.,

13 Defendants.

14 Case No. 1:16-cv-01017-BAM (PC)

15 Appeal No. 17-17035

16 ORDER REGARDING IN FORMA
17 PAUPERIS STATUS ON APPEAL

18 Plaintiff Saladin Rushdan, a.k.a. Robert Woods, (“Plaintiff”), a state prisoner proceeding
19 *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983. On
20 September 25, 2017, the Court dismissed this action for failure to state a claim. (ECF Nos. 12,
21 13.) On October 10, 2017, Plaintiff filed a notice of appeal. (ECF No. 14.)

22 On October 13, 2017, the Ninth Circuit Court of Appeals referred the matter back to this
23 Court for the limited purpose of determining whether *in forma pauperis* status should continue for
24 the appeal. 28 U.S.C. § 1915(a)(3). The Court finds that this appeal is not taken in bad faith and
25 is not frivolous. Accordingly, *in forma pauperis* status should not be revoked and should
26 continue on appeal.

27 IT IS SO ORDERED.
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29 Dated: October 17, 2017

30 /s/ Barbara A. McAuliffe
31 UNITED STATES MAGISTRATE JUDGE