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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SALADIN RUSHDAN,
Plaintiff,
v.
R. GEAR, et al.,
Defendants.

Case No. 1:16-cv-01017-BAM (PC)
Appeal No. 17-17035
ORDER REGARDING IN FORMA
PAUPERIS STATUS ON APPEAL

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

On October 13, 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: October 17, 2017

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE