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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

8
9 SALADIN RUSHDAN,

10 Plaintiff,

11 v.

12 R. GEAR, et al.,

13 Defendants.
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Case No. 1:16-cv-01017-LJO-BAM (PC)

Appeal No. 18-16191

ORDER REGARDING *IN FORMA PAUPERIS*
STATUS ON APPEAL

15 Plaintiff Saladin Rushdan, a.k.a. Robert Woods, (“Plaintiff”), a state prisoner proceeding
16 *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983. On June
17 12, 2018, the Court dismissed this action for failure to state a claim. (ECF Nos. 23, 24.) On June
18 25, 2018, Plaintiff filed a notice of appeal. (ECF No. 25.)

19 On June 29, 2018, the Ninth Circuit Court of Appeals referred the matter back to this
20 Court for the limited purpose of determining whether *in forma pauperis* status should continue for
21 the appeal. 28 U.S.C. § 1915(a)(3). The Court finds that this appeal is not taken in bad faith and
22 is not frivolous. Accordingly, *in forma pauperis* status should not be revoked and should
23 continue on appeal.

24 IT IS SO ORDERED.

25 Dated: July 3, 2018

26 /s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE