UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SAM CONSIGLIO, JR., Plaintiff, v. EDMUND G. BROWN, et al., Defendants.	Case No. 1:16-cv-01268-AWI-SAB (PC) Appeal No. 19-17496 ORDER REGARDING *IN FORMA PAUPERIS* STATUS ON APPEAL (ECF No. 88)

Plaintiff Sam Consiglio, Jr. is a civil detainee proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. On November 26, 2019, the Court granted without leave to amend Defendants' motion for judgment on the pleadings and dismissed this action with prejudice. (ECF No. 83.) Plaintiff filed a notice of appeal on December 11, 2019. (ECF No. 85.)

On December 18, 2019, the Ninth Circuit Court of Appeals referred this 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). (ECF No. 88.) The Court finds that the appeal is not frivolous or taken in bad faith. Therefore, Plaintiff's *in forma pauperis* status should not be revoked and should continue for the appeal.

IT IS SO ORDERED.

Dated: **December 20, 2019**

UNITED STATES MAGISTRATE JUDGE