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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

PETER GERARD WAHL,
Plaintiff,
v.
SUTTON,
Defendant.

Case No. 1:16-cv-01576-LJO-BAM (PC)
Appeal No. 18-15754
ORDER REGARDING *IN FORMA PAUPERIS*
STATUS ON APPEAL

Plaintiff Peter Gerard Wahl, (“Plaintiff”), a former state prisoner proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983. On April 16, 2018, the Court dismissed this action for failure to state a claim. (ECF Nos. 25, 26.) On April 25, 2018, Plaintiff filed a notice of appeal. (ECF No. 27.)

On May 3, 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: May 4, 2018

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE