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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ROBERT JOHN MARTINEZ,

Plaintiff,

v.

K. TOOR, et al.,

Defendants.

Case No. 1:17-cv-00319-LJO-JLT (PC)
Appeal No. 18-15830

**ORDER THAT PLAINTIFF’S IN FORMA
PAUPERIS STATUS SHOULD
CONTINUE ON APPEAL**

(Doc. 18)

This action was dismissed with prejudice earlier this year. (Docs. 13, 14.) Plaintiff appealed that decision. (Doc. 15.) On May 10, 2018, the Ninth Circuit Court of Appeals issued a referral notice for this Court to determine whether Plaintiff’s *in forma pauperis* status should continue on appeal or whether the appeal is frivolous or taken in bad faith. (Doc. 18 (citing 28 U.S.C. § 1915(a)(3); *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) (revocation of forma pauperis status is appropriate where district court finds the appeal to be frivolous).) There is no basis upon which to find that Plaintiff’s appeal is frivolous or taken in bad faith.

Accordingly, Plaintiff’s *in forma pauperis* status should continue for his appeal. Fed. R. App. P. 24(a).

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IT IS SO ORDERED.

Dated: May 13, 2018

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE