1		
2		
3		
4		
5		
6	UNITED STATES DISTRICT COURT	
7	EASTERN DISTRICT OF CALIFORNIA	
8		
9	EDGAR PITTS,	No.: 1:17-cv-01658- SAB (PC)
10	Plaintiff,	Appeal No. 18-17023
11	v.	ORDER DECLINING TO REVOKE IN FORMA PAUPERIS STATUS ON APPEAL (ECF No. 16)
12	ANDRE MATEVOUSIAN, et al.,	11101210001111000111111212 (201110110)
13	Defendants.	
14		
15		
16		
17	Plaintiff Edgar Pitts is a federal prisoner proceeding pro se and in forma pauperis, who	
18	filed a complaint under Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971) in this action	
19	on December 11, 2017. (ECF No. 1.)	
20	On September 17, 2018, the Court dismissed this action, without prejudice, for the failure	
21	to state a cognizable claim. (ECF No. 11.) Judgement was entered that same date. (ECF No.	
22	12.) On October 16, 2018, Plaintiff filed a notice of appeal, (ECF No. 13), and the appeal was	
23	processed, (ECF No. 14.)	
24	On October 23, 2018, the Ninth Circuit Court of Appeals referred the matter back to this	
25	Court for the limited purpose of determining whether in forma pauperis status should continue for	
26	the appeal. 28 U.S.C. § 1915(a)(3). (ECF No. 16.)	
27	The Court has reviewed the record and Plaintiff's notice of appeal. However, the notice	
28	of appeal does not provide the grounds upon which Plaintiff will appeal, or any information as to	

the issue(s) he intends to raise. Therefore, at this time the Court is unable to determine whether this appeal is frivolous or taken in bad faith. See 28 U.S.C. § 1915(a)(3); see also Hooker v. American Airlines, 302 F.3d 1091, 1092 (9th Cir. 2002) (revocation of *in forma pauperis* status is appropriate where district court finds the appeal to be frivolous).

Accordingly, the Court declines to revoke *in forma pauperis* status. The Clerk of the Court is directed to serve a copy of this order on the parties and the United States Court of Appeals for the Ninth Circuit.

· _

IT IS SO ORDERED.

Dated: **October 25, 2018**

UNITED STATES MAGISTRATE JUDGE