UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KASEY F. HOFFMANN, Plaintiff, v. L. PULIDO, et al, Defendants.	Case No. 1:18-cv-00078-LJO-BAM (PC) Appeal No. 18-16157 ORDER REGARDING IN FORMA PAUPERIS STATUS ON APPEAL (Doc. 18)

Plaintiff Kasey F. Hoffmann is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. On June 12, 2018, the Court dismissed this action, without prejudice, for the failure to exhaust available administrative remedies. (Docs. 13, 14.) On June 20, 2018, Plaintiff filed a notice of appeal. (Doc. 15.)

On July 12, 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). (Doc. 18.) 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: **July 17, 2018**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE