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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

RODNEY JEROME WOMACK,)	Case No.: 1:19-cv-00615-AWI-SAB (PC)
)	
Plaintiff,)	Appeal No. 21-16780
)	
v.)	ORDER REGARDING IN FORMA PAUPERIS
)	STATUS ON APPEAL
W. GIBBONS, et al.,)	
)	(Doc. No. 91)
Defendants.)	
)	

On October 1, 2021, the instant action filed pursuant to 42 U.S.C. § 1983 was dismissed as a discovery sanction and judgment was entered. (Doc. Nos. 80, 81.) On October 21, 2021, Plaintiff filed a notice of appeal. (Doc. No. 86.)

On November 17, 2021, 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. No. 91.) 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: November 18, 2021



UNITED STATES MAGISTRATE JUDGE