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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

8 CARLOS MARTINEZ,

9 Plaintiff,

10 v.

11 UNITED STATES OF AMERICA,

12 Defendant.

Case No. 1:24-cv-00494 JLT SAB

Appeal No. 24-5245

ORDER REGARDING *IN FORMA PAUPERIS* STATUS ON APPEAL

(Doc. Nos. 12, 15)

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14 Plaintiff Carlos Martinez is proceeding *pro se* and *in forma pauperis* in this action  
15 pursuant to Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971) and the Federal Tort  
16 Claims Act. On August 12, 2024, the Court dismissed this action for lack of jurisdiction. (Doc.  
17 Nos. 9, 10.) On August 22, 2024, Plaintiff filed a notice of appeal. (Doc. No. 11.)

18 On August 29, 2024, the Ninth Circuit Court of Appeals referred the matter back to this  
19 Court for the limited purpose of determining whether *in forma pauperis* status should continue  
20 for the appeal. 28 U.S.C. § 1915(a)(3). (Doc. No. 15.) The Court finds that this appeal is not  
21 taken in bad faith and is not frivolous. Accordingly, *in forma pauperis* status should not be  
22 revoked and should continue on appeal.

23 IT IS SO ORDERED.

24 Dated: August 30, 2024

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26 UNITED STATES MAGISTRATE JUDGE