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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MADY CHAN,

Plaintiff,

No. CIV S-09-2006 MCE GGH P

vs.

COUNTY OF SACRAMENTO, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a prisoner proceeding pro se and in forma paupers, seeks relief pursuant to 42 U.S.C. § 1983. Plaintiff’s motion for injunctive relief was denied and plaintiff filed an appeal with the Ninth Circuit. On February 15, 2012, the Ninth Circuit referred the matter back to this court for the limited purpose of determining whether plaintiff’s in forma pauperis status should continue for the appeal or whether the appeal is frivolous or taken in bad faith.

Plaintiff’s appeal is not frivolous or taken in bad faith and his in forma pauperis status should continue on appeal.

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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's in forma pauperis status shall continue;
2. The Clerk shall serve this order upon the Ninth Circuit Court of Appeals, Case No. 12-15250.

DATED: February 22, 2012

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE

GGH: AB
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