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

STEVEN R. RODRIGUEZ

Plaintiff,

No. CIV S-10-0204 GEB CKD P

vs.

CITY OF STOCKTON, et al.

Defendant.

ORDER

\_\_\_\_\_ /

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action under 42 U.S.C. § 1983. On March 19, 2012, the court adopted the magistrate judge’s findings and recommendations and dismissed this case without prejudice. See Docket No. 50. Plaintiff has appealed.

The Ninth Circuit has referred the case to this court for the limited purpose of determining whether plaintiff’s in forma pauperis status should continue for his appeal or whether the appeal is frivolous or taken in bad faith.

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The court finds that the appeal is neither frivolous nor taken in bad faith.

Therefore the court will not revoke plaintiff's in forma pauperis status.

Dated: April 4, 2012

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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