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

GERALD REYNOLDS, JR.,

No. CIV S-11-0326-GEB-CMK-P

Plaintiff,

vs.

ORDER

G. STARCEVICH, et al.,

Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brought this civil rights action pursuant to 42 U.S.C. § 1983.

The matter was referred to the undersigned by the Ninth Circuit Court of Appeals to certify whether the appeal is taken in good faith. See 28 U.S.C. § 1915(a)(3). The court granted the defendants’ motion to dismiss this action for plaintiff’s failure to properly exhaust his administrative remedies. Having reviewed the entire file, and providing plaintiff with the benefit of any doubt, the court concludes that the appeal is not frivolous or taken in bad faith and plaintiff’s in forma pauperis status should not be revoked.

Accordingly, IT IS HEREBY ORDERED that:

1. This appeal is not frivolous or taken in bad faith;

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2. Plaintiff's in forma pauperis status may continue on appeal;

3. The Clerk of the Court is directed to serve a copy of this order on the Pro Se Unit at the Ninth Circuit Court of Appeals.

DATED: April 4, 2012



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE