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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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GUILLERMO CHAVEZ,

 Plaintiff,

 v.

GRANADOZ and BARNETT,

 Defendants.

No. 2:11-CV-1015 WBS-CKD
Court of Appeals No. 17-15161
ORDER

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This matter is before the court on remand from the Court of Appeals for the limited purpose of determining whether plaintiff's forma pauperis status should continue on appeal from this court's Order of December 6, 2016 denying plaintiff's motion to vacate the judgment of June 22, 2016. Although, for the reasons set forth in the magistrate judge's Findings and Recommendations filed January 8, 2016, this court does not believe plaintiff's appeal has merit, the court cannot state that the appeal is frivolous or taken in bad faith. See Hooker v. American Airlines, 302 F.3d 1091, 1092 (9th Cir. 2002).

1 Accordingly, this court declines to revoke plaintiff's
2 forma pauperis status on appeal. The Clerk of this Court shall
3 forward a copy of this Order to the Clerk of the United States
4 Court of Appeals for the Ninth Circuit.

5 Dated: February 10, 2017



6 WILLIAM B. SHUBB
7 UNITED STATES DISTRICT JUDGE
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