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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LEO B. TURNER, Jr.,
Plaintiff,
v.
R. COLON, et al.,
Defendants.

No. 2:11-cv-2343 KJM AC P

ORDER

Plaintiff, a state prisoner proceeding in forma pauperis, sought relief pursuant to 42 U.S.C. § 1983. Judgment was entered in this action on February 28, 2014. On March 17, 2014, plaintiff filed a notice of appeal and, in a notice filed in this court’s case docket on March 24, 2012, the Ninth Circuit referred this case “to the district court for the limited purpose of determining whether in forma pauperis status should continue for this appeal or whether the appeal is frivolous or taken in bad faith.” See Referral Notice (ECF No. 110) (citing 28 U.S.C. § 1915(a)(3); Hooker v. American Airlines, 302 F.3d 1091, 1092 (9th Cir. 2002)).

The Federal Rules of Appellate Procedure provide as follows:

[A] party who was permitted to proceed in forma pauperis in the district-court action . . . may proceed on appeal in forma pauperis without further authorization unless . . . the district court — before or after the notice of appeal is filed— certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis and states in writing its reasons for the certification or finding. . . .

1 Fed. R. App. P. 24(a)(3)(A).

2 After a review of the record, this court finds that plaintiff's appeal is not frivolous or taken
3 in bad faith.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Pursuant to the Ninth Circuit's limited reference, ECF No. 110, this court does not find
6 that plaintiff's in forma pauperis status should be revoked on appeal.

7 2. The Clerk of the Court is directed to serve this order upon the Ninth Circuit Court of
8 Appeals.

9 DATED: March 26, 2014

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11 ALLISON CLAIRE
12 UNITED STATES MAGISTRATE JUDGE
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