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

RUBEN VALDEZ,

No. 2:12-cv-1352-CMK-P

Plaintiff,

vs.

ORDER

MATTHEW CATE, et al.,

Defendant.

_____ /

Plaintiff, a prisoner proceeding pro se, brings 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 for judgment on the pleadings. 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;
2. Plaintiff's in forma pauperis status may continue on appeal; and

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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: October 31, 2016



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE