

1 appeal “seeks review of any issue that is ‘not frivolous.’” Gardner v. Pogue, 558 F.2d 548, 550-
2 51 (9th Cir. 1977) (quoting Coppedge v. United States, 369 U.S. 438, 445 (1962)); see also
3 Hooker v. American Airlines, 302 F.3d 1091, 1092 (9th Cir. 2002) (“We hold that Hooker is
4 entitled to in forma pauperis status for this appeal in toto because the district court found portions
5 of the appeal to be taken in good faith.”). An action is frivolous “where it lacks an arguable basis
6 either in law or in fact.” Neitzke v. Williams, 490 U.S. 319, 325 (1989). In other words, the term
7 “frivolous”, as used in § 1915 and when applied to a complaint, “embraces not only the
8 inarguable legal conclusion, but also the fanciful factual allegation.” Id.

9 Here, the undersigned finds that plaintiff’s appeal seeks review of an issue that is not
10 frivolous.

11 Accordingly, IT IS HEREBY ORDERED that plaintiff’s October 30, 2017 motion to
12 proceed in forma pauperis on appeal (ECF No. 83) is granted.

13 Dated: November 17, 2017

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17 DEBORAH BARNES
18 UNITED STATES MAGISTRATE JUDGE
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