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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

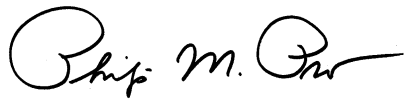
PAUL MCCREARY,
Plaintiff,
vs.
JIM GIBBONS, *et al.*
Defendants.

2:10-cv-01578-PMP-PAL
ORDER
C.A. No. 11-16237

This prisoner civil rights action comes before the Court following upon a referral notice (#24) from the Court of Appeals with regard to whether the *in forma pauperis* status granted in the district court should continue on appeal. Following review, the Court remains of the view that the case was correctly decided. However, it does not appear that the appeal from the dismissal is frivolous to the extent that a similar appeal by a non-indigent litigant would be dismissed – as to all of the claims presented – on that basis.

IT THEREFORE IS ORDERED, pursuant to 28 U.S.C. § 1915(a)(3) and Rule 24(a)(3) of the Federal Rules of Appellate Procedure, that this Court certifies to the Court of Appeals that it does not elect to revoke *in forma pauperis* status in response to the referral notice.

DATED: June 6, 2011.



PHILIP M. PRO
United States District Judge