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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

CHRISTOPHER J. WILLING,

Plaintiff,

v.

DEPUTY ARMS et al.,

Defendants.

Case No. 2:14-cv-1122-APG-PAL

**Order**

**I. DISCUSSION**

On September 23, 2014, this Court entered a screening order dismissing a portion of Plaintiff's deliberate indifference claim with leave to amend and permitted a portion of the deliberate indifference claim to proceed. (Dkt. #5 at 8). The Court granted Plaintiff 30 days to amend his complaint. (*Id.*) The Court also granted Plaintiff's application to proceed *in forma pauperis*. (*Id.*)

On October 1, 2014, Plaintiff filed a motion for preliminary injunction. (Dkt. #8). Plaintiff alleged that he needed surgery for his collar bone and for a tumor mass on his back but Defendants had denied surgery. (*Id.* at 2). Plaintiff attached medical assessments from doctors and Defendants' denial of surgery. (*Id.* at 3-6). Defendants denied surgery because the documentation did not include "written verification from a doctor stating that medical request is medically necessary and why." (*Id.* at 6).

On October 7, 2014, this Court issued an order denying Plaintiff's motion for preliminary injunction. (Dkt. #10 at 2). The Court found that the medical reports demonstrated that a doctor was going to refer Plaintiff to general surgery for further evaluation and not that he needed surgery. (*Id.*) The Court found that Plaintiff could not

1 demonstrate that he was likely to suffer irreparable harm in the absence of preliminary  
2 relief. (*Id.*)

3 On October 14, 2014, Plaintiff filed a notice of appeal as to the denial of the  
4 motion for preliminary injunction. (*Id.*) On October 16, 2014, the Ninth Circuit Court of  
5 Appeals issued a referral notice to this Court to determine whether Plaintiff's *in forma*  
6 *pauperis* status should continue for the appeal. The Court now certifies that any *in*  
7 *forma pauperis* appeal from that order would be taken "in good faith" pursuant to 28  
8 U.S.C. § 1915(a)(3).


9 **II. CONCLUSION**

10 For the foregoing reasons,

11 **IT IS ORDERED** that this Court certifies that any *in forma pauperis* appeal from  
12 this Court's October 7, 2014, order would be taken "in good faith" pursuant to 28 U.S.C.  
13 § 1915(a)(3).

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DATED this 17th day of October, 2014.

  
United States District Judge