UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MICHAEL A. RISENHOOVER,

Plaintiff,

v.

SALINAS VALLEY STATE PRISON, et al.,

Defendants.

Case No. 1:18-cv-00432-AWI-BAM (PC)

Appeal No. 18-16171

ORDER REGARDING *IN FORMA PAUPERIS* STATUS ON APPEAL

Plaintiff Michael A. Risenhoover, ("Plaintiff"), a state prisoner proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983. On June 11, 2018, the Court dismissed this action, without prejudice, for failure to exhaust administrative remedies. (ECF Nos. 19, 20.) On June 21, 2018, Plaintiff filed a notice of appeal. (ECF No. 21.)

On July 3, 2018, the Ninth Circuit Court of Appeals referred the matter back to this Court for the limited purpose of determining whether *in forma pauperis* status should continue for the appeal. 28 U.S.C. § 1915(a)(3). The Court finds that this appeal is not taken in bad faith and is not frivolous. Accordingly, *in forma pauperis* status should not be revoked and should continue on appeal.

IT IS SO ORDERED.

Dated: **July 5, 2018**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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