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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JORGE ARMANDO DIAZ,

Plaintiff,

v.

K. W. PRUNTY, et al.,

Defendants.

CASE NO. 1:08-cv-00912-OWW-SMS PC

ORDER DENYING MOTION FOR LEAVE TO
PROCEED IN FORMA PAUPERIS AS MOOT

(Doc. 15)

On June 26, 2009, Plaintiff Jorge Armando Diaz, a state prisoner who was proceeding pro se in this civil action, filed a motion seeking leave to proceed in forma pauperis on appeal. Plaintiff was granted leave to proceed in forma pauperis in the action proceeding in this court and is therefore automatically entitled to proceed in forma pauperis on appeal, absent revocation of in forma pauperis status, which has not occurred. Fed. R. App. P. 24(a)(3).

Accordingly, Plaintiff's motion for leave to proceed in forma pauperis on appeal is HEREBY DENIED as moot.

IT IS SO ORDERED.

Dated: July 6, 2009

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE