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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

VALENTINE UNDERWOOD,

 Plaintiff,

 v.

S. MARTIN, et al.,

 Defendants.

Case No. 1:08-cv-00986-BAM-PC

ORDER DENYING AS MOOT
PLAINTIFF’S MOTION TO PROCEED IN
FORMA PAUPERIS ON APPEAL

(ECF NO. 170)

Plaintiff is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On March 26, 2015, an order was entered, denying in part and granting in part Defendants’ motion for summary judgment. On April 6, 2015, Plaintiff filed a motion for reconsideration. On July 10, 2015, an order was entered, denying the motion for reconsideration. Plaintiff filed a notice of appeal of the order denying the motion for reconsideration. The Ninth Circuit assigned the appeal case number 15-16539. On September 8, 2015, an order was entered by the Ninth Circuit, construing a letter by Plaintiff as a notice of voluntary dismissal, and dismissed appeal number 15-16539. On November 2, 2015, Plaintiff filed a motion in this Court, requesting leave to file a second notice of appeal. On November 16, 2015, Plaintiff’s motion was denied. On November 23, 2015, Plaintiff filed notice of appeal of the March 26, 2015, order denying in part and granting in part Defendants’ motion for summary judgment. On

1 December 1, 2015, the Ninth Circuit assigned the appeal case number 15-17355. On December
2 11, 2015, Plaintiff filed in this Court a motion to proceed in forma pauperis on appeal. On
3 December 22, 2015, an order was entered by the Ninth Circuit, dismissing appeal number 15-
4 17355 as duplicative of appeal number 15-16539. Plaintiff therefore has no appeals pending
5 before the Ninth Circuit.

6 Accordingly, Plaintiff's motion to proceed in forma pauperis on appeal filed in this Court
7 on December 11, 2015, is denied as moot.

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9 IT IS SO ORDERED.

10 Dated: February 16, 2016

/s/ Barbara A. McAuliffe
11 UNITED STATES MAGISTRATE JUDGE

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