

1 by the Board of Prison Terms to deny his request for parole, a
2 certificate of appealability is not required for an appeal from the
3 judgment and order denying his habeas petition. See Rosas v
4 Nielsen, 428 F3d 1229, 1232 (9th Cir 2005).

5 On January 5, 2010, petitioner filed an application to
6 proceed without prepayment of fees and affidavit, using the form to
7 proceed in district court, which is construed as a motion to
8 proceed in forma pauperis on appeal. Doc #27. FRAP Rule 24
9 permits a party who was permitted to proceed in forma pauperis in
10 the district court to proceed on appeal in forma pauperis without
11 further authorization. As petitioner was granted in forma pauperis
12 status by the court on August 11, 2008, Doc #7, petitioner's
13 application to proceed in forma pauperis on appeal is GRANTED.

14 The clerk shall forward to the court of appeals the case
15 file with this order.

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17 IT IS SO ORDERED.

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21 VAUGHN R WALKER
22 United States Chief District Judge
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