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IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

DAVID FINNEY,

1:08-CV-01374 OWW JMD (HC)

Petitioner,

ORDER GRANTING MOTION TO PROCEED
IN FORMA PAUPERIS ON APPEAL [Doc. 30]

vs.

ORDER DIRECTING CLERK TO SERVE
THE COURT OF APPEALS

DERRAL ADAMS,

Respondent.

_____ /

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On October 23, 2009, judgment was entered denying the petition for writ of habeas corpus. On November 12, 2009, Petitioner filed a notice of appeal. On December 14, 2009, petitioner filed an application to proceed in forma pauperis. Examination of Petitioner’s application to proceed in forma pauperis reveals that Petitioner is unable to afford the costs of an appeal.

Accordingly, the application to proceed in forma pauperis on appeal is GRANTED. *See* 28 U.S.C. § 1915. **The Clerk is directed to serve a copy of this order on the Court of Appeals for the Ninth Circuit.**

IT IS SO ORDERED.

Dated: December 16, 2009

/s/ John M. Dixon
UNITED STATES MAGISTRATE JUDGE