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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 ANTHONY GASTON,

12 Plaintiff,

13 vs.

14 L. TERRONEZ,

15 Defendant.  
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1:08-cv-01629-GSA-PC  
Appeal case no. 13-17551

ORDER RE PLAINTIFF'S MOTION  
TO PROCEED IN FORMA PAUPERIS  
ON APPEAL  
(Doc. 73.)

17 Anthony Gaston ("Plaintiff") is a state prisoner proceeding pro se with this civil rights  
18 action pursuant to 42 U.S.C. § 1983.

19 On October 30, 2013, Defendant's motion for summary judgment was granted, and  
20 judgment was entered in favor of Defendant, closing this case. (Docs. 69, 70.) On December  
21 2, 2013, Plaintiff filed a notice of appeal to the Ninth Circuit court of appeals, together with a  
22 motion for leave to proceed in forma pauperis on appeal. (Docs. 72, 73.)

23 Pursuant to Rule 24 of the Federal Rules of Appellate Procedure, a party who was  
24 permitted to proceed in forma pauperis in the district court action may proceed in forma  
25 pauperis on appeal without prior authorization. Fed. R. App. P. 249(a)(3). In this case,  
26 Plaintiff's application to proceed in forma pauperis in the district court action was granted on  
27 October 29, 2008. (Doc. 4.)

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1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. Plaintiff is authorized to proceed in forma pauperis on appeal; and  
3 2. The Clerk is directed to serve a copy of this order on the Ninth Circuit court of  
4 appeals.

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8 IT IS SO ORDERED.  
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10 Dated: December 16, 2013

/s/ Gary S. Austin  
11 UNITED STATES MAGISTRATE JUDGE  
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