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

ABEL MORENO,

1:09-cv-00689-LJO-SMS (HC)

Petitioner,

ORDER GRANTING MOTION TO PROCEED  
IN FORMA PAUPERIS ON APPEAL

vs.

and  
DIRECTING CLERK TO SERVE  
THE COURT OF APPEALS

JAMES HARTLEY,

Respondent.

(DOCUMENT #28)

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

On October 26, 2009, judgment was entered denying the petition for writ of habeas corpus. On November 13, 2009, petitioner filed a notice of appeal. On December 11, 2009, petitioner filed a motion to proceed in forma pauperis. Examination of petitioner's motion to proceed in forma pauperis reveals that petitioner is unable to afford the costs of an appeal. Accordingly, the motion 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 21, 2009

/s/ Sandra M. Snyder  
UNITED STATES MAGISTRATE JUDGE