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

OSHAY L. JOHNSON,
Petitioner,
vs.
JAMES YATES,
Respondent.

1:09-cv-01355 OWW SMS (HC)
ORDER GRANTING MOTION
TO PROCEED IN FORMA PAUPERIS ON
APPEAL
(DOCUMENT #28)

_____ /

On May 14, 2010, the instant petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 was dismissed and judgment was entered. The Court also declined to issue a certificate of appealability. On June 7, 2010, Petitioner filed a notice of appeal.

On June 7, 2010, Petitioner filed an application to proceed in forma pauperis on appeal. 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: June 11, 2010

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE