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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DARLENE RENEE FOUSE,	)	1:09-CV-01382 LJO JMD HC
	)	
Petitioner,	)	ORDER GRANTING MOTION TO PROCEED
	)	IN FORMA PAUPERIS ON APPEAL and
v.	)	DIRECTING CLERK TO SERVE THE COURT
	)	OF APPEALS
TINA HORNBEAK,	)	(Doc. 28)
	)	
Respondent.	)	ORDER DISREGARDING AS MOOT
	)	PETITIONER’S MOTION FOR CERTIFICATE
	)	OF APPEALABILITY
	)	(Doc. 29)
	)	
	)	ORDER DISREGARDING PETITIONER’S
	)	MOTION FOR APPOINTMENT OF COUNSEL
	)	(Doc. 30)

Petitioner Darlene Fouse is a state prisoner proceeding pro se in a habeas corpus action pursuant to 28 U.S.C. § 2254.

On June 14, 2011, judgment was entered denying the petition for writ of habeas corpus. On March 24, 2011, Petitioner filed a notice of appeal, a motion to proceed in forma pauperis, a motion for a certificate of appealability, and a motion for the appointment of counsel.

An examination of Petitioner’s application to proceed in forma pauperis reveals that Petitioner is unable to afford the costs of an appeal. Accordingly, the Court finds Petitioner’s application to proceed in forma pauper is appropriate. See 28 U.S.C. § 1915.

With regards to Petitioner’s motion for certificate of appealability, the Court’s Order of June 14, 2011, which adopted the Magistrate Judge’s Findings and Recommendation, also declined to

1 issue a certificate of appealability. See Doc. 24. Accordingly, Petitioner’s motion for certificate of  
2 appealability will be disregarded as moot.

3 As to Petitioner’s motion for counsel, because Petitioner is seeking counsel to represent her  
4 before the Ninth Circuit, the Court will disregard the motion as it is better suited for review by the  
5 Ninth Circuit. If Petitioner wishes to pursue this motion, Petitioner is to re-file her motion with the  
6 Court of Appeals for the Ninth Circuit.

7 **ORDER**

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. Petitioner’s Application to Proceed In Forma Pauperis is GRANTED and the Clerk is  
10 directed to serve a copy of this order on the Court of Appeals for the Ninth Circuit;  
11 2. Petitioner’s motion for a Certificate of Appealability is DISREGARDED; and  
12 3. Petitioner’s motion for appointment of counsel is DISREGARDED.  
13

14 IT IS SO ORDERED.

15 Dated: April 4, 2011

16 /s/ Dennis L. Beck  
17 UNITED STATES MAGISTRATE JUDGE