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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RUCHELL CINQUE MAGEE,)	1:10-cv-00830-AWI-SKO-HC
)	
Petitioner,)	ORDER GRANTING PETITIONER'S
)	MOTION TO PROCEED IN FORMA
)	PAUPERIS ON APPEAL (DOC. 15)
v.)	
)	ORDER DIRECTING THE CLERK TO
K. CLARK,)	SERVE THIS ORDER ON THE COURT OF
)	APPEALS FOR THE NINTH CIRCUIT
Respondent.)	
)	
)	

Petitioner is a state prisoner who proceeded with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition was dismissed, and judgment was entered on September 2, 2010.

On September 20, 2010, Petitioner filed a notice of appeal. Subsequently Petitioner filed an application to proceed in forma pauperis, which the Court understands to refer to the appellate proceeding.

A party who was permitted to proceed in forma pauperis in the district court may proceed in forma pauperis on appeal without further authorization unless the district court certifies

1 that the appeal is not taken in good faith. See Fed. R. App. P.
2 24(a)(3). In this case, Petitioner paid the filing fee and did
3 not proceed in this Court in forma pauperis. Thus, Petitioner is
4 not automatically entitled to proceed in forma pauperis on
5 appeal.

6 Pursuant to Rule 24(a)(1) of the Federal Rules of Appellate
7 Procedure, Petitioner's motion for to proceed in forma pauperis
8 is GRANTED.

9 The Clerk of the Court is DIRECTED to serve a copy of this
10 order on the Court of Appeals for the Ninth Circuit.

11
12 IT IS SO ORDERED.

13 **Dated: September 24, 2010**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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