

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

BENJAMIN TATUM,

1:10-cv-02023-LJO-GSA (HC)

Petitioner,

ORDER GRANTING MOTION TO PROCEED
IN FORMA PAUPERIS ON APPEAL

vs.

and
DIRECTING CLERK TO SERVE
THE COURT OF APPEALS

J. HARTLEY,

Respondent.

(DOCUMENT #14)

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

On January 25, 2011, judgment was entered dismissing the petition for writ of habeas corpus. On February 18, 2011, petitioner filed a notice of appeal and an application of appealability and an application to proceed in forma pauperis. 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: February 24, 2011

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE