

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

10 BENJAMIN TATUM, 1:10-cv-02023-LJO-GSA (HC)
11 Petitioner,
12 vs. ORDER GRANTING MOTION TO PROCEED
13 J. HARTLEY, IN FORMA PAUPERIS ON APPEAL
14 Respondent. and
DIRECTING CLERK TO SERVE
THE COURT OF APPEALS
(DOCUMENT #14)

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

18 On January 25, 2011, judgment was entered dismissing the petition for writ of habeas
19 corpus. On February 18, 2011, petitioner filed a notice of appeal and an application of
20 appealability and an application to proceed in forma pauperis. Examination of petitioner's
21 application to proceed in forma pauperis reveals that petitioner is unable to afford the costs of an
22 appeal. Accordingly, the application to proceed in forma pauperis on appeal is GRANTED. See
23 28 U.S.C. § 1915. **The Clerk is directed to serve a copy of this order on the Court of**
24 **Appeals for the Ninth Circuit.**

26 || IT IS SO ORDERED

Dated: February 24, 2011

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE