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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DANIEL LAQUINN JONES,) 1:10-cv-02398-LJO-SKO-HC
)
Petitioner,) ORDER GRANTING PETITIONER'S
) MOTION TO PROCEED IN FORMA
) PAUPERIS ON APPEAL (DOC. 34)
v.)
) ORDER DIRECTING THE CLERK TO
RICK HILL, Warden,) SERVE THIS ORDER ON THE CLERK OF
) THE COURT OF APPEALS FOR THE
Respondent.) NINTH CIRCUIT
)
)

Petitioner is a state prisoner who proceeded pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter has been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b) (1) and Local Rules 302 and 304.

On November 15, 2012, the Petitioner's petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 was denied, and the Court declined to issue a certificate of appealability.

Petitioner filed a notice of appeal on December 10, 2012, along with a motion to proceed in forma pauperis.

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 However, Petitioner has submitted an application to proceed
7 in forma pauperis in which Petitioner shows that he is unable to
8 pay the fees associated with the appeal or give security
9 therefor. Because Petitioner makes the showing required by 28
10 U.S.C. § 1915(a)(1) and Fed. R. App. P. 24(a)(1), the Court will
11 grant Petitioner's motion to proceed in forma pauperis in his
12 appeal.

13 Accordingly, it is ORDERED that:

14 1. Petitioner's motion to proceed in forma pauperis on
15 appeal is GRANTED; and

16 2. The Clerk of Court is DIRECTED to serve a copy of this
17 order on the Court of Appeals for the Ninth Circuit.

18
19 IT IS SO ORDERED.

20 **Dated: December 12, 2012**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE