

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

ROWAN BROOKS,

1:11-cv-1315 JLT (HC)

Petitioner,

ORDER GRANTING MOTION TO PROCEED
IN FORMA PAUPERIS ON APPEAL
and DIRECTING CLERK TO SERVE
THE COURT OF APPEALS

vs.

JAMES YATES,

(Doc. 33)

Respondent.

_____ /

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

On November 22, 2011, judgment was entered dismissing the petition for writ of habeas corpus. On June 13, 2012, Petitioner filed a motion for relief from judgment that was denied by the Court on October 5, 2012. (Docs. 12 & 31). On October 22, 2012, petitioner filed a notice of appeal, and an application to proceed in forma pauperis. (Doc. 33). 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: May 7, 2013

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE