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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CLARENCE LEON DEWS,
Plaintiff,

v.

KERN RADIOLOGY MEDICAL GROUP,
INC., et al.,
Defendants.

District Court Case Number:
1:12-cv-00242-AWI-MJS (PC)

Appeals Court Case Number: 13-15771

ORDER DISREGARDING APPLICATION
TO PROCEED IN FORMA PAUPERIS AS
MOOT

(ECF No. 29)

_____ /

Plaintiff Clarence Leon Dews is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed on February 21, 2012 pursuant to 42 U.S.C. § 1983. (ECF No. 1.) The First Amended Complaint (ECF No. 4) was dismissed for failure to state a claim, but Plaintiff was given leave to file an amended pleading. (ECF No. 23.) Plaintiff filed a Second Amended Complaint (ECF No. 25.) The Second Amended Complaint has not yet been screened.

Plaintiff appealed dismissal of the First Amended Complaint to the United States Court of Appeals for the Ninth Circuit. (ECF No. 26.) The appeal was dismissed on June 20, 2013, for lack of jurisdiction. (ECF No. 30.)

Pending before the Court is Plaintiff's Motion to Proceed in Forma Pauperis on Appeal. (ECF No. 29.)

Pursuant to Rule 24 of the Federal Rules of Appellate Procedure, a party who was permitted to proceed in forma pauperis in the district court action may proceed in forma

1 pauperis on appeal without prior authorization. In this case, Plaintiff's application to
2 proceed in forma pauperis was granted on March 22, 2012. (ECF No. 12.) In light of this
3 rule, and the recent dismissal of the appeal by the Court of Appeals for the Ninth Circuit, it
4 is HEREBY ORDERED that:

- 5 1. Plaintiff's application to proceed in forma pauperis on appeal (ECF No. 29) is
6 DISREGARDED AS MOOT; and
- 7 2. The Clerk of Court is DIRECTED to serve a copy of this order on the Court of
8 Appeals for the Ninth Circuit.

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10 IT IS SO ORDERED.

11 Dated: June 21, 2013

1st Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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