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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CLARENCE LEON DEWS,

CASE NO. 1:12-cv-00278-AWI-SKO PC

Plaintiff,

ORDER DISREGARDING MOTION FOR
LEAVE TO PROCEED IN FORMA PAUPERIS
ON APPEAL AS MOOT

v.

EDMUND G. BROWN, et al.,

(Doc. 35)

Defendants.

Plaintiff Clarence Leon Dews, a state prisoner proceeding pro se and in forma pauperis, filed this action pursuant to 42 U.S.C. § 1983 on February 21, 2012. On April 18, 2013, Plaintiff filed a notice of appeal, and on May 6, 2013, Plaintiff filed a motion seeking leave to proceed in forma pauperis.

A party who was permitted to proceed in forma pauperis in the district court action may proceed in forma pauperis on appeal without further authorization, unless the district court certifies that the appeal was not taken in good faith or finds that the party is not otherwise authorized to proceed in forma pauperis. Fed. R. App. P. 24(a)(3) (quotation marks omitted). In this case, the Court has not certified that Plaintiff's appeal was not taken in good faith or otherwise found that he is not entitled to proceed in forma pauperis on appeal.

Accordingly, Plaintiff's motion seeking leave to proceed in forma pauperis on appeal is **HEREBY DISREGARDED** as moot.

IT IS SO ORDERED.

Dated: May 8, 2013

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE