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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

SUSAN MAE POLK,)
)
 Appellant,)
)
 v.)
)
 COUNTY OF CONTRA COSTA,)
)
 Appellee.)
 _____)

**CASE NO. 1:12-CV-0290 AWI
BANKRUPTCY CASE NO.
09-14047-A-7**

**ORDER RE: IN FORMA PAUPERIS
STATUS; BRIEFING SCHEDULE;
AND REQUEST FOR COPY OF
RECORD ON APPEAL**

(Docs. 4, 10, 11, and 14)

Appellant Susan Mae Polk has filed a bankruptcy appeal. The Bankruptcy Court Clerk’s Office certified the completion of a record on appeal. Doc. 6. Thereafter, the District Court Clerk’s Office issued a briefing schedule. Doc. 7. Appellant is imprisoned in the California state penal system, specifically at the California Institution for Women in Corona. As such, she does not have access to the record on appeal held by the Bankruptcy Court Clerk’s Office.

In the underlying bankruptcy case, Appellant has filed an application for waiver of the Chapter 7 filing fee. Bankr. Case No. 09-14047, Doc. 6. The application was approved. Bankr. Case No. 09-14047, Doc. 11. Appellant has requested that a copy of the entire record on appeal be sent to her so that she may compose her brief; she states she is “an indigent prisoner proceeding in forma pauperis, and have been at all times in these proceedings and in Bankruptcy Court.” Doc. 11. Appellant has not filed for in forma pauperis status in this appeal as she appears to assume that the fee waiver she obtained in the bankruptcy court applies. The Bankruptcy Clerk’s Office represents that there is no bankruptcy rule that entitles Appellant to a

1 free copy of the documents contained in the record on appeal based upon her earlier Chapter 7
2 filing fee waiver. In district court, Appellant has filed three civil cases in the Eastern District
3 within the past two years: 11-0728, 12-1094, and 12-1156. In all of these cases, she has applied
4 for and has been granted in forma pauperis status, most recently on July 18, 2012. Civ. Case No.
5 12-1156, Doc. 4. To streamline the proceedings, the court interprets Appellant's filings in this
6 case to constitute an application for in forma pauperis status under 28 U.S.C. § 1915. The court
7 takes judicial notice of Appellant's prior applications and the orders granting those applications
8 in the other cases. Accordingly, the court finds Appellant qualifies for in forma pauperis status
9 in this appeal. The Bankruptcy Court Clerk's Office is directed to mail Appellant a copy of all
10 documents in the record on appeal under 28 U.S.C. § 1915(c).

11 Appellant has requested that the briefing schedule be extended due to her limited access
12 to materials in prison. The briefing schedule in this case will be modified. Appellant's opening
13 brief is due on May 1, 2013. Appellee's opening brief is due thirty (30) days after the filing of
14 Appellant's opening brief in the docket. Appellant's reply brief is due forty-five (45) days after
15 the filing of Appellee's opening brief in the docket.

16 The District Court Clerk's Office is further directed to add Jachyn K. Davis, Deputy
17 County Counsel for the County of Contra Costa, 651 Pine Street 9th Floor, Martinez, CA 94553
18 as attorney of record for Appellee County of Contra Costa, as reflected in the initial notice of
19 bankruptcy appeal. Doc. 1.

20
21 IT IS SO ORDERED.

22 Dated: February 12, 2013



23 SENIOR DISTRICT JUDGE