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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DWIGHT TAMPLIN,  
Petitioner,  
v.  
WILLIAM MUNIZ, Warden,  
Respondent.

No. 1:12-cv-01633-AWI-SKO HC  
**ORDER DENYING AS MOOT  
PETITIONER’S MOTION FOR  
WAIVER OF APPELLATE FILING FEE**  
**ORDER DECLINING TO ISSUE  
CERTIFICATE OF APPEALABILITY**  
**(Doc. 73)**

Petitioner, a state prisoner appealing this Court’s denial of his petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, moves the Court for waiver of the appellate filing fee. A petitioner who was authorized to file *in forma pauperis* in the District Court may proceed on appeal without further authorization unless the District Court finds that the appeal is not taken in good faith or that the petitioner is not otherwise entitled to proceed *in forma pauperis*. F.R.App.P. 24(a)(3).

On October 5, 2012, the Court authorized Petitioner to proceed *in forma pauperis*. Doc. 4. The Court has not found that the appeal is not taken in good faith<sup>1</sup> or that Petitioner is not otherwise entitled to continue without payment of the filing fee. This means that Petitioner’s appeal may proceed without the District Court’s waiving the appellate filing fee. As such,

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<sup>1</sup> Although the District Court did not find the appeal to be taken in bad faith, it declined to issue a certificate of appealability. Doc. 71. Accordingly, Petitioner must petition the appellate court for a certificate of appealability pursuant to F.R.App.P. 22.

1 Petitioner's motion for waiver of appellate filing fee is hereby DENIED as moot.

2 The Court has also considered Petitioner's motion for reconsideration of its declination to  
3 issue a certificate of appealability. Petitioner has presented no new grounds for issuance of a  
4 certificate of appealability. For the same reasons that the Court denied Petitioner's request for a  
5 certificate of appealability on May 2, 2016, *see* Docs. 69 and 71, the court again DECLINES to  
6 issue a certificate of appealability.

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IT IS SO ORDERED.

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Dated: May 5, 2016

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SENIOR DISTRICT JUDGE

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