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

CONNIE FLORES and JOE FLORES,	)	1: 12-mc-0005-AWI-BAM
	)	
Plaintiffs,	)	ORDER GRANTING APPELLANTS'
	)	APPLICATIONS TO PROCEED IN FORMA
v.	)	PAUPERIS IN BANKRUPTCY APPEAL
	)	
JAMES SALVEN, Chapter 7 Trustee,	)	ORDER TRANSFERRING MATTER BACK
	)	TO BANKRUPTCY COURT
	)	
Defendant.	)	ORDER DIRECTING THE CLERK TO SERVE
	)	THIS ORDER ON APPELLANTS BY MAIL
	)	AND TO SERVE THE PARTIES AND
	)	BANKRUPTCY APPELLATE PANEL

Connie Flores and Joe Flores (“Appellants”) filed appeals in the United States Bankruptcy Appellate Panel of the Ninth Circuit (the “BAP”), which bear case numbers EC-11-1597 and EC-11-1598, respectively. (Doc. 1.) Pending before this Court are the Appellants’ applications to proceed *in forma pauperis*, which were referred to this Court<sup>1</sup> by order of Bankruptcy Judges Jury and Dunn, filed January 27, 2011. (Doc. 1, Exh. 1 and Exh. 2.) The matter was referred to United States Magistrate Judge Barbara A. McAuliffe pursuant to 28 U.S.C. § 636(b) and Local Rule 302.

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<sup>1</sup> The BAP has no authority to grant *in forma pauperis* motions under 28 U.S.C. § 1915(a) because bankruptcy courts are not “court[s] of the United States” as defined in 28 U.S.C. § 451. *See Perroton v. Gray*, 958 F.2d 889 (9<sup>th</sup> Cir. 1992); *Determan v. Sandoval*, 186 B.R. 490, 496 (9<sup>th</sup> Cir. BAP 1995). However, the district court has authority to allow a person to file an appeal without prepayment of the filing fee. *See* 28 U.S.C. § 1915(a).

1 The Court has reviewed the applications submitted by Appellants. Each Appellant has  
2 made the showing required by 28 U.S.C. § 1915(a). Accordingly, the request by Appellant  
3 Connie Flores and the request by Appellant Joe Flores to proceed *in forma pauperis* will be  
4 granted.

5 Further, this matter was transferred to this Court for the sole and limited purpose of ruling  
6 on the motion to proceed *in forma pauperis* (Doc. 1), and this Court has performed the purpose  
7 of the transfer. Therefore, the Court will order the matter transferred to the BAP.

8 Accordingly, it is ORDERED that

- 9 1. The application by Appellant Connie Flores to proceed *in forma pauperis* is  
10 GRANTED;
- 11 2. The application by Appellant Joe Flores to proceed *in forma pauperis* is  
12 GRANTED;
- 13 3. This matter is TRANSFERRED back to the United States Bankruptcy Appellate  
14 Panel of the Ninth Circuit; and
- 15 4. The Clerk is DIRECTED to serve this order by mail upon Appellants Connie  
16 Flores and Joe Flores at P.O. Box 3086, Visalia, California 93278, and to make  
17 appropriate service upon the other parties and the United States Bankruptcy  
18 Appellate Panel of the Ninth Circuit.
- 19 5. The clerk of the Court is directed to close this action.

20 IT IS SO ORDERED.

21 **Dated: February 24, 2012**

22 /s/ Barbara A. McAuliffe  
23 UNITED STATES MAGISTRATE JUDGE  
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