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

RAMON N. LUPERCIO,

Plaintiff,

v.

JAMES HEUSDENS, et al.,

Defendants.

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Case No. 1:13-cv-00628-LJO-SKO

**DENYING PLAINTIFF'S MOTION TO  
PROCEED IN FORMA PAUPERIS AS  
MOOT**

(Doc. 12)

On September 18, 2013, Plaintiff, proceeding *pro se*, filed a motion for leave to appeal *in forma pauperis* ("IFP"). Plaintiff was granted IFP status on July 2, 2013 (Doc. 3). Pursuant to 28 U.S.C. § 1915, "in no event shall a prisoner be prohibited from bringing a civil action or **appealing a civil** or criminal judgment for the reason that the prisoner has no assets and no means by which to pay the initial partial filing fee." 28 U.S.C. § 1915(b)(4) (emphasis added). Thus, IFP status typically carries forward throughout an appeal in the Ninth Circuit and indeed, this continuing status is noted in the docket entry for Plaintiff's Notice of Appeal at Docket Number

1 9-1, indicating that no fee on appeal was required because Plaintiff was granted IFP.

2 Accordingly, the Court DENIES Plaintiff's motion for IFP as moot. Fed. R. App. P.  
3 24(a)(3). As set forth above, Plaintiff's IFP status continues for purposes of appeal.

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IT IS SO ORDERED.

Dated: September 25, 2013

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE