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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 REGINALD RAY YORK,

12 Plaintiff,

13 vs.

14 JEFFREY BEARD, et al.,

15 Defendants.  
16  
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18

1:14-cv-01234-LJO-GSA-PC  
Appeal case no. 17-15090

ORDER GRANTING PLAINTIFF  
LEAVE TO PROCEED IN FORMA  
PAUPERIS ON APPEAL

(ECF Nos. 48, 50, 52.)

19 **I. BACKGROUND**

20 Reginald Ray York (“Plaintiff”) is a state prisoner proceeding *pro se* with this civil  
21 rights action pursuant to 42 U.S.C. § 1983. On September 14, 2019, Plaintiff paid the \$400.00  
22 filing fee for this action in full. (Court Record.) On June 8, 2016, this case was dismissed with  
23 prejudice for lack of standing, and judgment was entered, closing this case. (ECF Nos. 35, 36.)

24 On January 17, 2017, Plaintiff filed a notice of appeal to the Ninth Circuit Court of  
25 Appeals, case number 17-15090. (ECF No. 45.) On February 6, 2017, Plaintiff filed a  
26 handwritten motion for leave to proceed *in forma pauperis* on appeal, together with a certified  
27 copy of his prison trust account statement showing activity from 8/1/16 to 1/25/17. (ECF No.  
28 48.)

1 **II. PROCEEDING IN FORMA PAUPERIS ON APPEAL – RULE 24**

2 Pursuant to Rule 24 of the Federal Rules of Appellate Procedure, a party to a district-  
3 court action who desires to appeal *in forma pauperis* must file a motion in the district court.  
4 The party must attach an affidavit that: (A) shows in the detail prescribed by Form 4 of the  
5 Appendix of Forms the party’s inability to pay or to give security for fees and costs; (B) claims  
6 an entitlement to redress; and (C) states the issues that the party intends to present on appeal.  
7 Fed. R. App. P. 24(a)(1).

8 The court found that Plaintiff’s February 6, 2017, motion for leave to proceed *in forma*  
9 *pauperis* was deficient, and issued an order on March 15, 2017, requiring Plaintiff to use the  
10 court’s form application and to provide additional information. (ECF No. 49.) On March 30,  
11 2017, Plaintiff filed an application to proceed *in forma pauperis* on the court’s form. (ECF No.  
12 50.) However, the court found this application to be deficient and on April 13, 2017, issued  
13 another order requiring Plaintiff to provide additional information. (ECF No. 51.) On April  
14 27, 2017, Plaintiff filed another application to proceed *in forma pauperis*. (ECF No. 52.)

15 Plaintiff has now provided all of the required information and has made a detailed  
16 showing, as required by Rule 24, that he is unable to pay for his appeal. Therefore, Plaintiff’s  
17 motion to proceed *in forma pauperis* on appeal shall be granted.

18 **III. CONCLUSION**

19 Based on the foregoing, IT IS HEREBY ORDERED that:

- 20 1. Plaintiff is authorized to proceed *in forma pauperis* on appeal; and  
21 2. The Clerk is directed to serve a copy of this order on the Ninth Circuit Court of  
22 Appeals.

23  
24 IT IS SO ORDERED.

25 Dated: April 28, 2017

26 /s/ Gary S. Austin  
27 UNITED STATES MAGISTRATE JUDGE  
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