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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DANIEL LEE WHALEN,
Petitioner,
v.
WARDEN, California State Prison at San
Quentin,
Respondent.

Case No. 1:14-cv-01865-LJO-SAB
DEATH PENALTY CASE
ORDER GRANTING APPLICATION TO
PROCEED IN FORMA PAUPERIS
(ECF NO. 4)

On November 21, 2014, Daniel Lee Whalen (“Petitioner”), a state prisoner facing capital punishment, commenced this action pursuant to 28 U.S.C. § 2254 by filing an application for appointment of attorney A. Richard Ellis to represent him. On December 1, 2014, attorney Ellis filed on Petitioner’s behalf an application to proceed *in forma pauperis*.

On December 4, 2014, the Court ordered Petitioner’s in forma pauperis application held under submission pending filing with the Court a certificate from the prison stating the amount on deposit in his inmate trust accounts. Attorney Ellis filed Petitioner’s prison trust fund certificate on December 26, 2014.

1 Rule 3(a) of the Rules Governing § 2254 Cases in the United States District Courts
2 provides that a petitioner seeking in forma pauperis status shall file an affidavit of assets as
3 required by 28 U.S.C. § 1915. Rule 3(a) also requires a certificate from the prison stating the
4 amount on deposit in the petitioner's accounts.

5 The Court finds Petitioner's affidavit appended to *his* in forma pauperis application
6 along with his trust fund certificate and attached inmate statement report satisfy the foregoing
7 requirements.

8 Accordingly, it is HEREBY ORDERED that Petitioner's application to proceed in
9 forma pauperis (ECF No. 4) is GRANTED.

10
11 IT IS SO ORDERED.

12
13 Dated: December 29, 2014


UNITED STATES MAGISTRATE JUDGE