

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MOHAMED ABDALLA,
Petitioner,
v.
STU SHERMAN, Warden,
Respondent.

Case No. 1:14-cv-02070-BAM-HC

ORDER GRANTING PETITIONER'S
APPLICATION TO PROCEED IN FORMA
PAUPERIS ON APPEAL (DOC. 8)

Petitioner is a state prisoner who proceeded pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pursuant to 28 U.S.C. § 636(c)(1), Petitioner consented to the jurisdiction of the United States Magistrate Judge to conduct all further proceedings in the case, including the entry of final judgment, by manifesting Petitioner's consent in a writing signed by Petitioner and filed on January 16, 2015. On January 28, 2015, the Court dismissed the petition for failure to state facts warranting habeas corpus relief. Pending before the Court is Petitioner's motion to proceed in forma pauperis on appeal, which was filed on February 20, 2015.

Because Petitioner has not filed a notice of appeal, it is not clear that Petitioner intends to appeal from the dismissal. However, in an abundance of caution, the Court will consider Petitioner's motion.

A party who was permitted to proceed in forma pauperis in the district court may proceed in forma pauperis on appeal without further authorization unless the district court certifies that the appeal is not taken in good faith. See Fed. R. App. P. 24(a)(3). In this case, Petitioner proceeded in forma pauperis in this Court. (Doc. 2, filed December 30, 2014.) This Court has not certified that the appeal is not taken in good faith.

Accordingly, Petitioner's motion to proceed in forma pauperis on appeal is GRANTED.

IT IS SO ORDERED.

Dated: **April 8, 2015**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE