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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 RAYMOND A. GENTILE,

12 Plaintiff,

13 v.

14 U.S. FEDERAL MARSHAL, et al.,

15 Defendants.
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Case No. 1:15-cv-00943-EPG (PC)
Appellate Case No. 17-17018

ORDER FOR PLAINTIFF TO SUBMIT
INFORMATION PURSUANT TO
RULE 4 OF THE FEDERAL RULES OF
APPELLATE PROCEDURE

(ECF No. 27)

14 DAY DEADLINE

20 On September 5, 2017, the Court dismissed this case and entered judgment. (ECF Nos.
21 25-26). On October 6, 2017, Plaintiff filed a notice of appeal to the Ninth Circuit Court of
22 Appeals. (ECF No. 27). The appeal was given the case number 17-17018. (ECF No. 30). On
23 October 6, 2017, Plaintiff also filed an application to proceed *in forma pauperis* on appeal.
24 (ECF No. 27).

25 Pursuant to Rule 24(a)(1) of the Federal Rules of Appellate Procedure, “a party to a
26 district-court action who desires to appeal *in forma pauperis* must file a motion in the district
27 court. The party must attach an affidavit that: (A) shows in the detail prescribed by Form 4 of
28 the Appendix of Forms the party’s inability to pay or to give security for fees and costs; (B)

1 claims an entitlement to redress; and (C) states the issues that the party intends to present on
2 appeal.” Fed. R. App. P. 24(a)(1).

3 While Plaintiff did not file a completed Form 4 of the Appendix of Forms, the Court
4 finds that the application to proceed *in forma pauperis* that Plaintiff submitted satisfies Federal
5 Rule of Civil Procedure 24(a)(1)(A). However, Plaintiff has not submitted an affidavit¹ that
6 claims he is entitled to redress or that states the issues that Plaintiff intends to present on
7 appeal.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. Within fourteen days from the date of service of this order, Plaintiff must submit
10 an affidavit that claims an entitlement to redress and that states the issues that
11 Plaintiff intends to present on appeal;
- 12 2. The Clerk of Court is directed to serve a copy of this order on the Ninth Circuit
13 Court of Appeals; and
- 14 3. If Plaintiff fails to comply with this order, the Court will deny his application to
15 proceed *in forma pauperis* on appeal.

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17 IT IS SO ORDERED.

18 Dated: October 11, 2017

19 /s/ Eric P. Gray
20 UNITED STATES MAGISTRATE JUDGE

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¹ A properly prepared declaration is admissible in federal court with the same effect as an
affidavit. 28 U.S.C. § 1746.