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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 PATRICK JONES,

12 Petitioner,

13 v.

14 WARDEN of USP ATWATER,

15 Respondent.
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Case No. 1:15-cv-01020-AWI-SAB-HC

ORDER TERMINATING MOTION TO
PROCEED *IN FORMA PAUPERIS* AS
MOOT

ORDER DIRECTING CLERK OF COURT
TO REFILE MOTION TO PROCEED *IN*
FORMA PAUPERIS AS NOTICE OF
APPEAL

(ECF No. 20)
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18 Petitioner Patrick Jones is a federal prisoner proceeding *pro se* with a petition for writ of
19 habeas corpus pursuant to 28 U.S.C. § 2241. On September 30, 2015, the Court adopted the
20 Magistrate Judge’s findings and recommendation and dismissed the petition. (ECF No. 16). On
21 January 21, 2016, the Court denied Petitioner’s motion for reconsideration. (ECF No. 19).

22 On March 18, 2016, the Court received the instant motion, wherein Petitioner seeks
23 authorization to appeal *in forma pauperis* pursuant to Federal Rule of Appellate Procedure 24.
24 (ECF No. 20). The Court previously permitted Petitioner to proceed *in forma pauperis* in this
25 action. (ECF No. 4). Accordingly, Petitioner does not require further authorization to appeal *in*
26 *forma pauperis*. Fed. R. App. P. 24(a)(3). The Court construes the instant motion as a notice of
27 appeal. See Castro v. United States, 540 U.S. 375, 381-82 (2003) (courts may recharacterize a
28 pro se motion to “create a better correspondence between the substance of a pro se motion’s

1 claim and its underlying legal basis”); Bernhardt v. Los Angeles County, 339 F.3d 920, 925 (9th
2 Cir. 2003) (courts have a duty to construe pro se pleadings and motions liberally).

3 Accordingly, the Court HEREBY ORDERS that the motion to proceed *in forma pauperis*
4 is terminated as MOOT. Further, the Clerk of the Court is DIRECTED to refile the motion to
5 proceed *in forma pauperis* (ECF No. 20) as a notice of appeal.

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7 IT IS SO ORDERED.

8 Dated: March 22, 2016


UNITED STATES MAGISTRATE JUDGE

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