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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
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8 FELIPE GUERRA SANCHEZ,

9 Petitioner,

10 v.

11 RONALD RACKLEY,

12 Respondent.

Case No. 1:16-cv-00604-LJO-EPG-HC

ORDER DENYING AS MOOT MOTION TO
PROCEED IN FORMA PAUPERIS ON
APPEAL

(ECF No. 43)

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14 Petitioner is a state prisoner who proceeded pro se with a § 2254 petition for writ of
15 habeas corpus. On January 4, 2018, the Court denied the petition for writ of habeas corpus. (ECF
16 No. 40). On February 8, 2018, the Court received Petitioner's notice of appeal and the instant
17 motion to proceed in forma pauperis on appeal. (ECF No. 43).

18 A party who is permitted to proceed in forma pauperis in the district court may proceed in
19 forma pauperis on appeal without further authorization unless the district court certifies that the
20 appeal is not taken in good faith. See Fed. R. App. P. 24(a)(3). Here, Petitioner was previously
21 granted in forma pauperis status on April 29, 2016. (ECF No. 6). Therefore, Petitioner is entitled
22 to proceed in forma pauperis on appeal, and the motion is DENIED as moot.

23 IT IS SO ORDERED.
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25 Dated: February 9, 2018

/s/ Lawrence J. O'Neill
UNITED STATES CHIEF DISTRICT JUDGE

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