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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DELFINO CARDENAS MACHADO,  
Petitioner,  
v.  
KIM HOLLAND,  
Respondent.

No. 1:17-cv-00979-AWI-SKO (HC)

**ORDER DENYING AS MOOT  
PETITIONER’S MOTION FOR WAIVER  
OF APPELLATE FILING FEE  
(Doc. 28)**

Petitioner, Delfino Cardenas Machado, is a state prisoner appealing this Court’s denial of his petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, requesting the Court waive the appellate filing fee. A petitioner who was authorized to file *in forma pauperis* in the District Court may proceed on appeal without further authorization unless the District Court finds that the appeal is not taken in good faith or that the petitioner is not otherwise entitled to proceed *in forma pauperis*. Fed. R. App. P. 24(a)(3).

On July 25, 2017, the Court authorized Petitioner to proceed *in forma pauperis*. (Doc. 5.) The Court has not found that the appeal is not being taken in good faith, or that Petitioner is not otherwise entitled to continue without payment of the filing fee. Consequently, Petitioner’s appeal

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may proceed without the District Court's waiving the appellate filing fee.

Petitioner's motion for waiver of appellate filing fee is hereby DENIED as moot.

IT IS SO ORDERED.

Dated: December 14, 2018

/s/ Sheila K. Overt  
UNITED STATES MAGISTRATE JUDGE