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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 ROBERT MITCHELL,
12 Plaintiff,

13 v.

14 CDCR SECRETARY JEFFERY BEARD, et
15 al.,
16 Defendants.

Case No. 1:17 -cv-01032-LJO-SAB (PC)

ORDER DENYING PLAINTIFF’S MOTION
TO PROCEED IN FORMA PAUPERIS ON
APPEAL AS UNNECESSARY

[ECF No. 31]

17 Plaintiff Robert Mitchell (“Plaintiff”), a former state prisoner, proceeding pro se and in
18 forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on June 12, 2017 in the
19 Central District of California. On August 3, 2017, the matter was transferred to the Eastern
20 District of California.

21 On March 7, 2018, the Court dismissed Plaintiff’s complaint for failure to comply with a
22 court order and failure to state a cognizable claim for relief, and judgment was entered. (ECF
23 Nos. 27, 28.) On April 11, 2018, Plaintiff filed a notice of appeal of the Court’s decision, and a
24 motion to proceed in forma pauperis. (ECF Nos. 29, 31.)

25 A party who is permitted to proceed in forma pauperis in the district court may proceed in
26 forma pauperis on appeal without further authorization unless the district court certifies that the
27 appeal is not taken in good faith. See Fed. R. App. P. 24(a)(3). Here, Plaintiff was granted in
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1 forma pauperis status on July 5, 2017 (ECF No. 5); thus, he is automatically entitled to proceed
2 in forma pauperis on appeal, and his motion shall be denied as unnecessary.

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IT IS SO ORDERED.

Dated: April 11, 2018



UNITED STATES MAGISTRATE JUDGE