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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JESSE L. YOUNGBLOOD,
Plaintiff,
v.
D. URIBE, *et al.*,
Defendants.

Case No. 1:17-cv-01132-AWI-EPG (PC)
Appeal Case No. 18-16924

**ORDER DIRECTING CLERK OF
COURT TO FORWARD APPLICATION
TO PROCEED IN FORMA PAUPERIS
TO NINTH CIRCUIT**

(ECF No. 20)

Jesse L. Youngblood (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff commenced this action on August 23, 2017, (ECF No. 1), and filed an application to proceed *in forma pauperis*, (ECF No. 2).

On January 26, 2018, the undersigned issued findings and recommendations to the district judge assigned to this matter, finding that Plaintiff has, on three or more prior occasions while incarcerated, brought an action that was dismissed because it is frivolous, malicious, or fails to state a claim upon which relief may be granted, and that Plaintiff is not under imminent danger of serious physical injury. (ECF No. 10). On April 13, 2018, the district judge adopted the findings and recommendation, denied the application to proceed *in forma pauperis*, and directed Plaintiff to pay the \$400 filing fee. (ECF No. 12). Plaintiff failed to pay the filing fee, and on June 11, 2018, the district judge dismissed this action without prejudice for Plaintiff’s failure to comply

1 with the court's order of April 13, 2018, (ECF No. 12), and failure to pay the filing fee. (ECF No.
2 14).

3 On September 26, 2018, Plaintiff filed a notice of appeal to the United States Court of
4 Appeals for the Ninth Circuit, which is now pending under case number 18-16924. (ECF No.
5 19). Plaintiff also filed a motion to proceed *in forma pauperis* on appeal. (ECF No. 20).

6 The Court finds that Plaintiff's motion to proceed *in forma pauperis* on appeal is more
7 properly brought at the Ninth Circuit Court of Appeals.

8 According, IT IS HEREBY ORDERED that the Clerk of the Court is DIRECTED to
9 forward Plaintiff's application to proceed *in forma pauperis* on appeal to the United States Court
10 of Appeals for the Ninth Circuit.

11 IT IS SO ORDERED.

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13 Dated: November 5, 2018

14 /s/ Eric P. Gray
15 UNITED STATES MAGISTRATE JUDGE
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