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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH A. SHERMAN,

Petitioner,

No. CIV S-04-1310 LKK KJM P

vs.

YOLO COUNTY CHIEF
PROBATION OFFICER,

Respondent.

ORDER

_____ /
Petitioner is a state probationer proceeding pro se with this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Judgment was entered in this case on September 27, 2007, and petitioner has filed a notice of appeal to the United States Court of Appeals for the Ninth Circuit. On January 23, 2008, petitioner filed a request for a waiver of the filing fee for his appeal; on November 14, 2007, he filed an affidavit of his changed financial situation. The court interprets these filings as requests to proceed in forma pauperis on appeal. The court file reflects that petitioner paid the filing fee for this action.

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1 Rule 24(a) of the Federal Rules of Appellate Procedure provides that a party to a
2 district court action who desires to appeal in forma pauperis on appeal must file a motion in the
3 district court which:

4 (A) shows in the detail prescribed by Form 4 of the Appendix of
5 Forms the party's inability to pay or to give security for fees and
6 costs;

7 (B) claims an entitlement to redress; and

8 (C) states the issues that the party intends to present on appeal.

9 Fed. R. App. P. 24(a)(2). Petitioner has presented two affidavits which demonstrate his inability
10 to pay or to give security for fees and costs. In his October 22, 2007, notice of appeal petitioner
11 claimed entitlement to redress and described the issues to be presented on appeal. Petitioner has
12 substantially complied with the requirements of Fed. R. App. P. 24(a). Accordingly, his request
13 to proceed in forma pauperis on appeal will be granted.

14 Accordingly, good cause appearing, IT IS HEREBY ORDERED that petitioner's
15 January 23, 2008 request to proceed in forma pauperis on appeal (docket no. 54) is granted.

16 DATED: February 1, 2008.

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18 _____
19 U.S. MAGISTRATE JUDGE

20 2

21 sher1310.24(a)