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

JAMES OLIVER,

No. 2:06-cv-00390-MCE-EFB P

Plaintiff,

vs.

ORDER

TOM CAREY, et al.,

Defendants.

_____/

Plaintiff, a state prisoner proceeding in forma pauperis, sought relief pursuant to 42 U.S.C. § 1983. Judgment was entered in this action on March 8, 2007. On March 28, 2007, plaintiff filed a notice of appeal and, on October 23, 2008, an application for leave to proceed in forma pauperis on appeal.

The Federal Rules of Appellate Procedure provide as follows:

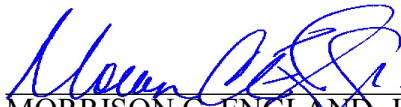
[A] party who has been permitted to proceed in an action in the district court in forma pauperis . . . may proceed on appeal in forma pauperis without further authorization unless . . . the district court shall certify that the appeal is not taken in good faith or shall find that the party is otherwise not entitled so to proceed

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1 Fed. R. App. P. 24(a). This court has separately found that this appeal is taken in good faith.
2 Since this court has certified that plaintiff's appeal is taken in good faith and has not otherwise
3 found that plaintiff is not entitled to proceed on appeal in forma pauperis, plaintiff's application
4 for leave to proceed in forma pauperis on appeal will be denied as unnecessary.

5 In accordance with the above, IT IS HEREBY ORDERED that plaintiff's October 23,
6 2008, application to proceed in forma pauperis on appeal is denied as unnecessary. See Fed. R.
7 App. P. 24(a).

8 Dated: January 20, 2009


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE

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