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

JOSHUA MOSES HELLON,

Petitioner,

No. CIV S-07-1816 LKK CHS P

vs.

T. FELKER, Warden, et al.,

Respondents.

ORDER

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Petitioner, a state prisoner proceeding pro se and in forma pauperis, sought relief pursuant to 28 U.S.C. § 2254. Judgment was entered and this action was terminated on May 3, 2010. On June 1, 2010, petitioner filed a notice of appeal and a motion for leave to proceed in forma pauperis on appeal. Petitioner’s appeal has been processed to the Ninth Circuit.

Rule 24 of the Federal Rules of Appellate Procedure provides:

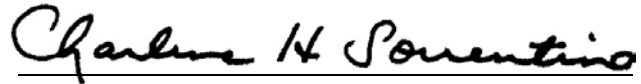
a party who has been permitted to proceed in an action in the district court in forma pauperis . . . may proceed on appeal in forma pauperis without further authorization unless . . . the district court shall certify that the appeal is not taken in good faith or shall find that the party is otherwise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

Fed. R. App. 24. Since the district court has not certified that petitioner’s appeal is not taken in good faith or otherwise found that petitioner is not entitled to proceed on appeal in forma pauperis, petitioner’s motion for leave to proceed in forma pauperis on appeal will be denied as

1 unnecessary. Petitioner is already authorized to proceed on appeal in forma pauperis.

2 In accordance with the above, IT IS HEREBY ORDERED that petitioner's June  
3 1, 2010 motion to proceed in forma pauperis on appeal is denied as unnecessary. *See* Fed. R.  
4 App. P. 24.

5 DATED: June 8, 2010



CHARLENE H. SORRENTINO  
UNITED STATES MAGISTRATE JUDGE

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