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

ALBERT ALVIN WILLIAMS,

Petitioner,

No. CIV S-07-2692 WBS DAD P

vs.

D.K. SISTO, et al.,

Respondent.

ORDER

_____ /

Petitioner is a state prisoner proceeding pro se with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Judgment was entered in this case on December 2, 2009, and this matter is currently on appeal to the United States Court of Appeals for the Ninth Circuit. On January 28, 2008, petitioner timely filed a motion to proceed in forma pauperis on appeal. The court file reflects that petitioner paid the filing fee for this action.

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

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


3 (B) claims an entitlement to redress; and

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

5 Fed. R. App. P. 24(a)(2). Petitioner's application to proceed in forma pauperis demonstrates his
6 inability to pay or to give security for fees and costs. In addition, in this court's December 23,
7 2009 order, liberally construing petitioner's notice of appeal and granting his request for a
8 certificate of appealability, the court explained the issues to be presented on appeal. In this
9 regard, the requirements of Fed. R. App. P. 24(a) have been satisfied. Accordingly, petitioner's
10 motion to proceed in forma pauperis on appeal will be granted.

11 In accordance with the above, IT IS HEREBY ORDERED that petitioner's
12 January 28, 2010 motion to proceed in forma pauperis on appeal is granted.

13 DATED: February 3, 2010

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15 WILLIAM B. SHUBB
16 UNITED STATES DISTRICT JUDGE

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