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

JOHN NICHOLS, aka JACK NICHOLS,)	
)	
Plaintiff,)	2:07-cv-02759-GEB-EFB
)	
v.)	<u>ORDER DENYING</u>
)	<u>PLAINTIFF'S MOTION FOR</u>
)	<u>PERMISSION TO APPEAL IN</u>
COUNTY OF SACRAMENTO, CHERYL)	<u>FORMA PAUPERIS</u>
CRESON, STEVEN PEDRETTI, KEITH)	
FLOYD, GEORGIA COCHRAN, CARL)	
MOSHER, THOR LUDE, HAROLD BIXLER,)	
and JOHN HALLIMORE,)	
)	
Defendants.)	
)	

Plaintiff John Nichols ("Plaintiff") moves for permission to appeal the May 3, 2010 judgment in forma pauperis.

I. BACKGROUND

Plaintiff's Complaint alleged four claims arising out of the termination of his employment with the County of Sacramento. The Court granted Defendants' motion for summary judgment, and judgment was entered accordingly on May 3, 2010. Plaintiff is appealing the judgment in pro per.

II. DISCUSSION

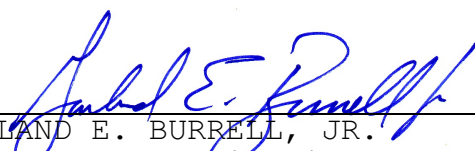
Pursuant to Federal Rule of Appellate Procedure 24 and 28 U.S.C. § 1915, a party to a district court action may seek leave to proceed in forma pauperis on appeal when they are financially unable to pay the costs associated with the appeal. The requesting party must

1 file a motion in the district court, accompanied by an affidavit that:
2 1) evidences in detail the party's inability to pay or give security
3 for fees and costs; 2) claims an entitlement to redress; and 3) states
4 the issues the party intends to present on appeal. Fed. R. App. P.
5 24(a)(1); 28 U.S.C. § 1915(a)(1).

6 To obtain leave to proceed in forma pauperis, the moving
7 party must show his or her economic eligibility and that the appeal is
8 not frivolous. See Coppedge v. U.S., 369 U.S. 438, 444-445 (1962),
9 citing 28 U.S.C. § 1915(a). A showing of probable success on the
10 merits is not required. The district court need only determine if the
11 appeal involves legal points that are arguable on their merits.
12 Sherman v. Yolo County Chief Prob. Officer, No. 02:06-cv-02415, 2008
13 WL 5282844, at * 1 (E.D.Cal. Dec. 18, 2008), citing Neitzke v.
14 Williams, 490 U.S. 319, 325 (1989) and Franklin v. Murphy, 745 F.2d
15 1221, 1225 (9th Cir. 1984).

16 Here, since Plaintiff's affidavit is not signed or dated,
17 his motion is denied without prejudice.

18 Dated: June 4, 2010

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22 GARLAND E. BURRELL, JR.
23 United States District Judge
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