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

JEREMY JOHN BEASLEY,

Petitioner,

No. 2:08-cv-0086-JAM-JFM (HC)

vs.

ROBERT A. HOREL,

Respondents.

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. Petitioner paid the \$5.00 filing fee for a habeas corpus petition in this court. On October 9, 2008, this action was summarily dismissed and judgment was entered. After receiving an extension of time, petitioner timely filed a notice of appeal from the judgment together with a motion for a certificate of appealability pursuant to 28 U.S.C. § 2253(c). By order filed February 17, 2009, this court denied petitioner’s motion for a certificate of appealability. On March 2, 2009, petitioner filed an application to proceed in forma pauperis on appeal.

Examination of the in forma pauperis affidavit reveals that petitioner is unable to afford the costs of appeal. Moreover, this court has not certified that petitioner’s appeal is not

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1 taken in good faith.¹ Accordingly, petitioner's application to proceed in forma pauperis will be
2 granted. See 28 U.S.C. § 1915(a).

3 In accordance with the above, IT IS HEREBY ORDERED that:

4 1. Petitioner's March 2, 2009 application to proceed in forma pauperis is granted;
5 and

6 2. The Clerk of the Court is directed to send a copy of this order to the United
7 States Court of Appeals for the Ninth Circuit.

8 DATED: April 6, 2009

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12 /s/ John A. Mendez
13 UNITED STATES DISTRICT JUDGE

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¹ The decision to grant petitioner's in forma pauperis application is not inconsistent with
26 the court's order denying petitioner's request for a certificate of appealability. Cf. Gardner v. Pogue, 558 F.2d 548, 550-551 (9th Cir. 1977) ("[t]he test for allowing an appeal in forma pauperis is easily met," while "[t]he test for granting a certificate of probable cause is stricter."