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

O'SHAY JOHNSON,

Petitioner,

No. CIV S-08-496 MCE KJM P

vs.

D.K. SISTO,

Respondent.

ORDER

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Petitioner is a state prison inmate proceeding pro se with a petition for a writ of habeas corpus. He has filed a timely notice of appeal from the judgment entered on April 29, 2010, and now seeks to proceed in forma pauperis on appeal. The court's file shows that he paid the filing fee in this action.

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

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

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(B) claims an entitlement to redress; and

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

Fed. R. App. P. 24(a)(2).

Petitioner has submitted an affidavit and certified copy of his trust account statement in support of his request. In his request for the issuance of a certificate of appealability, he list the issues he intends to pursue.

Accordingly, IT IS HEREBY ORDERED that petitioner's request to proceed in forma pauperis on appeal (docket no. 45) is granted.

DATED: June 15, 2010.

  
U.S. MAGISTRATE JUDGE

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