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

PATRICK MICHAEL KNOST,

Petitioner,

No. CIV S-08-2564 MCE CHS

vs.

Joseph S. WARSHOLL, II,

Respondent.

ORDER

_____ /

Petitioner’s application for writ of habeas corpus was denied on March 29, 2010. Petitioner, through counsel, filed a timely notice of appeal. On April 27, 2010, petitioner’s two motions filed on April 22, 2010 requesting in forma pauperis status on appeal were denied because he had not submitted a prison trust fund account statement pursuant to 28 U.S.C. §1915(a)(2).

Although petitioner challenges his state court conviction, he is not a prisoner, and as such, need not comply with the requirements of §1915(a)(2). Thus, petitioner’s April 22, 2010 motion docketed 18 made the required showing.

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The court's April 27, 2010 order denying petitioner's motions to proceed in forma pauperis on appeal is hereby vacated. Good cause appearing, petitioner's motion docketed 18 is granted and petitioner may proceed in forma pauperis on appeal.

IT IS SO ORDERED.

DATED: April 28, 2010



CHARLENE H. SORRENTINO
UNITED STATES MAGISTRATE JUDGE