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

TAI TRUONG,

Plaintiff,

No. CIV S-08-2831 MCE DAD P

vs.

MARTIN HOSHINO, et al.,

Defendants.

ORDER

_____ /

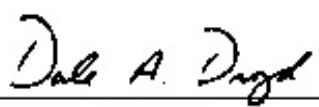
Plaintiff has filed an appeal from this court’s dismissal of the action. On January 28, 2010, plaintiff filed a motion to proceed in forma pauperis on appeal.¹ The motion will be denied without prejudice so that plaintiff may file his motion directly with the U.S. Court of Appeals for the Ninth Circuit using the form provided by that court.

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¹ On October 29, 2009, plaintiff’s March 9, 2009 application to proceed in forma pauperis was denied without prejudice because it was incomplete. In addition, the filing fee was paid in this court by defendant Hoshino when the action was removed from the Sacramento County Superior Court.

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Accordingly, IT IS HEREBY ORDERED that petitioner's January 28, 2010 motion to proceed in forma pauperis (Doc. No. 25) is denied without prejudice.
DATED: February 10, 2010.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

DAD:4
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