

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

BRIAN KEITH MONTGOMERY,

Petitioner,

2: 08 - cv - 3180 MCE TJB

vs.

D.K. SISTO,

ORDER

Respondent.

_____ /

Petitioner is a state prisoner proceeding *pro se* with a petition brought pursuant to 28 U.S.C. § 2254. Judgment was entered on March 9, 2011 and this matter is currently on appeal to the United States Court of Appeals for the Ninth Circuit. On March 29, 2011, Petitioner filed a request to proceed in forma pauperis on appeal.

Rule 24(a) of the Federal Rules of Appellate Procedure provides that a party to a district court action who desires to appeal 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;
- (B) claims an entitlement to redress; and
- (C) states the issues that the party intends to present on appeal.

1 Fed. R. App. P. 24(a)(2). Petitioner's application demonstrates his inability to pay or to give
2 security for fees and costs. In his March 21, 2011 notice of appeal, Petitioner claimed
3 entitlement to redress and described the issues he intended to present on appeal. Petitioner has
4 complied with the requirements of Fed. R. App. P. 24(a). Accordingly, his request to proceed in
5 forma pauperis on appeal will be granted.

6 Good cause appearing, IT IS HEREBY ORDERED that Petitioner's March 29, 2011
7 request to proceed in forma pauperis on appeal is GRANTED.

8 DATED: March 31, 2011

9
10
11 

12 TIMOTHY J BOMMER
13 UNITED STATES MAGISTRATE JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26