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

KELVIN HOUSTON,

Plaintiff,

No. 2:09-cv-0178 GEB EFB P

vs.

MIKE KNOWLES, et al.,

Defendants.

ORDER


Plaintiff, a state prisoner proceeding in forma pauperis, *see* Dckt. No. 19, seeks relief pursuant to 42 U.S.C. § 1983. On November 20, 2012, this action was dismissed and judgment duly entered. On December 28, 2012, plaintiff filed a notice of appeal. On January 18, 2013, plaintiff filed a motion for leave to proceed in forma pauperis. The Federal Rules of Appellate Procedure provide as follows:

A party who was permitted to proceed in forma pauperis in the district-court action . . . may proceed on appeal in forma pauperis without further authorization unless the district court . . . certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis

Fed. R. App. P. 24(a)(3). This court has not certified that plaintiff’s appeal is not taken in good faith and has not otherwise found that plaintiff is not entitled to proceed on appeal in forma pauperis.

1 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in
2 forma pauperis on appeal (Dckt. No. 115) is denied as unnecessary. *See* Fed. R. App. P. 24(a).

3 Dated: January 30, 2013.

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5 EDMUND F. BRENNAN
6 UNITED STATES MAGISTRATE JUDGE
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