

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

BRENT WINTERS, et al.,

Plaintiffs,

No. CIV S-09-0522 JAM EFB PS

vs.

DELORES JORDAN, et al.,

ORDER

Defendants.

\_\_\_\_\_ /

Plaintiffs Brent Winters and Susan Winters proceed in this fee-paid action, with several other plaintiffs, *in pro se*. The case is referred to the undersigned pursuant to E. D. Cal. L. R. 72-302(c)(21), and 28 U.S.C. § 636(b)(1). On July 17, 2009, plaintiffs filed an interlocutory appeal of this court's order filed June 24, 2009, denying plaintiffs' motion for emergency injunctive relief. *See* Dckt. Nos. 31, 24. Presently pending are the applications of Brent Winters and Susan Winters to proceed *in forma pauperis* on appeal, pursuant to 28 U.S.C. § 1915.

Rule 24(a), of the Federal Rules of Appellate Procedure, provides in pertinent part:

[A] party to a district-court action who desires to appeal *in forma pauperis* must file a motion in the district court. The party must attach an affidavit that:

(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;

1 (B) claims an entitlement to redress; and

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

3 Fed. R. App. P. 24(a)(1)

4 Each of these factors are met. While plaintiffs' "Notice of Appeal for Injunctive Relief,"  
5 Dckt. No. 31, lacks any substance other than that inferred by the title, the undersigned's findings  
6 and recommendations, Dckt. No. 9, and the district judge's order adopting the findings and  
7 recommendations, Dckt. No. 22, identify the matters plaintiffs intend to pursue on appeal and  
8 their claimed entitlement to redress. Moreover, the appeal has now been processed by the Clerk  
9 of Court. Dckt. No. 54. In addition, each plaintiff has filed a separate affidavit – Susan Winters  
10 on July 24, 2009, and Brent Winters on August 4, 2009 – demonstrating that neither she nor he  
11 (wife and husband), are able to prepay fees and costs or give security thereof. 28 U.S.C.  
12 § 1915(a).

13 Accordingly, the requests of Brent and Susan Winters to proceed *in forma pauperis* on  
14 appeal, Dckt. Nos. 41 and 47, are GRANTED. The Clerk is directed to serve a copy of this order  
15 on the U.S. Court of Appeals for the Ninth Circuit.

16 SO ORDERED.

17 DATED: August 19, 2009.

18   
19 EDMUND F. BRENNAN  
20 UNITED STATES MAGISTRATE JUDGE  
21  
22  
23  
24  
25  
26