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

DONALD RAY,

Petitioner,

No. 2: 09-cv-0644 MCE KJN P

vs.

D.K. SISTO,

ORDER

Respondent.

_____ /

Petitioner has filed a motion to proceed in forma pauperis on appeal. Fed. R. App. 24(a)(1) sets forth the requirements for applications to proceed in forma pauperis on appeal:

- 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;
- (B) claims an entitlement to redress; and
- (C) states the issues that the party intends to present on appeal.


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

Petitioner's motion adequately describes his inability to pay. However, petitioner's motion claims neither an entitlement to redress nor states the issues that petitioner intends to appeal. However, on February 3, 2011 petitioner filed a motion for a certificate of appealability addressing these matters. The Court takes judicial notice of the motion for

1 certificate of appealability and finds that petitioner's motion to proceed in forma pauperis on
2 appeal is well supported.

3 Accordingly, IT IS HEREBY ORDERED that petitioner's motion to proceed in
4 forma pauperis on appeal (ECF. No. 35) is granted.

5 Dated: April 11, 2011

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8 MORRISON C. ENGLAND, JR.
9 UNITED STATES DISTRICT JUDGE
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