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

WILLIAM THOMAS COATS,

No. CIV S-09-1300-CMK-P

Plaintiff,

vs.

ORDER

MICHAEL FOX,

Defendant.

_____ /

Plaintiff, a state prisoner proceeding pro se, brought this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s motion (Doc. 36) for leave to proceed in forma pauperis on appeal. Pursuant to Federal Rule of Appellate Procedure 24(a)(3), where prior approval to proceed in forma pauperis was granted in the district court, such approval generally continues on appeal unless the district court determines the appeal is not taken in good faith.

Here, the undersigned finds the appeal is taken in good faith, so plaintiff’s previous in forma pauperis status shall continue on appeal. Therefore, plaintiff’s current motion for leave to proceed in forma pauperis is unnecessary.

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Accordingly, IT IS HEREBY ORDERED that:

1. The undersigned certifies plaintiff's appeal is taken in good faith;
2. Plaintiff's motion to proceed in forma pauperis is denied as unnecessary;
3. Plaintiff's in forma pauperis status shall continue on appeal.

and

DATED: December 29, 2011



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE