

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

TONY AREMU,

Plaintiff,

No. CIV S-09-1595 MCE EFB P

vs.

CALIFORNIA BOARD OF PAROLE
HEARINGS, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. Judgment was entered in this action on November 15, 2010 and this matter is currently on appeal to the United States Court of Appeals for the Ninth Circuit. On December 28, 2010, plaintiff 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 proceed *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.

Fed. R. App. P. 24(a)(1). On December 28, 2010, plaintiff filed an affidavit which demonstrates

1 his inability to pay or to give security for fees and costs. Plaintiff did not, however, claim
2 entitlement to redress or describe the issues he intends to present on appeal.

3 Accordingly, IT IS HEREBY ORDERED that plaintiff's December 28, 2010 request to
4 proceed *in forma pauperis* on appeal is denied without prejudice. The Clerk of the Court is
5 directed to serve a copy of this order on the United States Court of Appeals for the Ninth Circuit,
6 and plaintiff is hereby informed that he may file a motion to proceed *in forma pauperis* in the
7 United States Court of Appeals for the Ninth Circuit. See Fed. R. App. P. 24(a)(5).

8 DATED: January 5, 2011.

9 
10 EDMUND F. BRENNAN
11 UNITED STATES MAGISTRATE JUDGE
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26