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

MANUEL GUADALUPE SANCHEZ, Jr.

Petitioner,

2: 10 - cv - 596 - GEB TJB

vs.

J. WALKER, et al.,

Respondents.

ORDER

_____ /

Petitioner is a state prisoner proceeding *pro se* and in forma pauperis with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Judgement was entered on September 28, 2011 as Petitioner’s habeas petition was denied. On October 12, 2011, Petitioner filed a notice of appeal (Dkt. No. 25) and a motion for leave to proceed in forma pauperis on appeal. (Dkt. No. 26.)

Rule 24(a)(3) of the Federal Rules of Appellate Procedure provides 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 (A) the district court - before or after the notice of appeal is filed – certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis and states in writing its reasons for the certification or finding; or (B) a statute provides otherwise.

F. R. APP. P. 24(a)(3). Petitioner was previously granted in forma pauperis status on May 7, 2010

1 in this case. (See Dkt. No. 6.) Since the court has not certified that Petitioner's appeal is not
2 taken in good faith nor found a statute that prevents Petitioner from proceeding on appeal in
3 forma pauperis, Petitioner's October 12, 2011 motion for leave to proceed in forma pauperis on
4 appeal will be denied as unnecessary.

5 Accordingly, IT IS HEREBY ORDERED that Petitioner's October 12, 2011 motion to
6 proceed in forma pauperis on appeal (Dkt. No. 26) is DENIED AS UNNECESSARY.

7 DATED: June 19, 2012

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TIMOTHY J BOMMER
UNITED STATES MAGISTRATE JUDGE