

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

AARON GREY,

Petitioner,

vs.

M. D. McDONALD, Warden, High Desert  
State Prison,

Respondent.

No. 2:10-cv-01257-JKS

ORDER

[Re: Motion at Docket No. 31]

At Docket No. 31 Aaron Grey, a state prisoner appearing *pro se*, filed a Motion and Affidavit for Leave to Appeal in Forma Pauperis. This Court entered its Judgment on December 22, 2011, in which the Court declined to issue a Certificate of Appealability. Accordingly, this Court has determined that the appeal is frivolous, without merit and does not present a substantial question.<sup>1</sup>

**IT IS THEREFORE ORDERED THAT** the Motion and Affidavit for Leave to Appeal in Forma Pauperis is **DENIED**, without prejudice to renewal before the Court of Appeals for the Ninth Circuit.

The Clerk of the Court to serve a copy of this Order on the parties appearing in this cause.

Dated: March 5, 2012.

/s/ James K. Singleton, Jr.  
JAMES K. SINGLETON, JR.  
United States District Judge

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<sup>1</sup> 28 U.S.C. §§ 1915(a), 753(f).