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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH NATHORN NUCCIO,
Petitioner,
v.
M.D. McDONALD,
Respondent.

No. 2: 10-cv-2652 TLN KJN P

ORDER

Petitioner is a state prisoner, proceeding without counsel, with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner paid the filing fee.

On March 7, 2014, the court denied the petition. (ECF No. 30.) On April 4, 2014, petitioner filed a notice of appeal. (ECF No. 32.) Pending before the court is petitioner's May 14, 2014 motion to proceed in forma pauperis on appeal. (ECF No. 36.) For the following reasons, this motion is granted.

Federal Rule of Appellate Procedure 24(a)(1) provides that a motion to proceed in forma pauperis on appeal filed by a prisoner proceeding with habeas corpus petition shall include 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.

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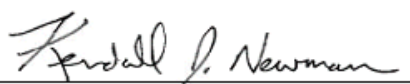
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Petitioner's application to proceed in forma pauperis demonstrates his inability to pay the fee on appeal. Petitioner's application does not claim an entitlement to redress or state the issues that petitioner intends to present on appeal. Petitioner's notice of appeal (ECF No. 32), however, contains this information. Taking judicial notice of petitioner's notice of appeal, the undersigned finds that petitioner's application to proceed in forma pauperis on appeal meets the requirements of Federal Rule of Appellate Procedure 24(a)(1) and should be granted.

Accordingly, IT IS HEREBY ORDERED that petitioner's application to proceed in forma pauperis on appeal (ECF No. 36) is granted.

Dated: June 25, 2014

Nuc2652.ifp


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE