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

PETER LYNN GALLOWAY,

Petitioner,

No. 2:11-cv-1464 KJM DAD P

vs.

R. H. TRIMBLE, Warden,

Respondent.

ORDER

_____ /

Petitioner is a state prisoner proceeding pro se with a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. This matter is currently on appeal to the United States Court of Appeals for the Ninth Circuit.

On May 3, 2013, petitioner filed a request to proceed on appeal in forma pauperis. The court file reflects that petitioner was granted in forma pauperis status in this action. Rule 24(a)(3) of the Federal Rules of Appellate Procedure provides that a party who was permitted to proceed in forma pauperis in the district court may proceed on appeal in forma pauperis without further authorization from the district court, absent certain conditions not applicable here. Because petitioner is entitled to proceed on appeal in forma pauperis without further authorization, his request to do so will be denied as unnecessary.

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1 Accordingly, IT IS ORDERED that petitioner's May 3, 2013 request to proceed
2 on appeal in forma pauperis (ECF No. 45) is denied as unnecessary.

3 DATED: June 10, 2013.

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6 _____
7 DALE A. DROZD
8 UNITED STATES MAGISTRATE JUDGE

7 DAD:8
8 galloway1464.ifp

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