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

JORGE LOPEZ,

Petitioner,

No. 2:11-cv-3166 CKD P

vs.

M. D. MCDONALD,

ORDER

Respondent.

_____ /

Petitioner, a state prisoner proceeding pro se, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 and paid the filing fee for this action. (Dkt. No. 1; Docket entry dated January 6, 2012.) On June 29, 2012, this court granted respondent’s motion to dismiss the petition as untimely. (Dkt. Nos. 14, 15.)

Pending before the court is petitioner’s July 16, 2012 motion to proceed in forma pauperis on appeal to the Ninth Circuit Court of Appeals. (Dkt. No. 17.) Rule 24 of the Federal Rules of Appellate Procedure provides that a party filing a motion to proceed in forma pauperis on appeal must file an affidavit as prescribed by Rule 24(a)(1). Such an affidavit “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.” Rule 24(a)(1)(A). Among other things, Form 4 requires a party to “attach a statement certified by the appropriate institutional officer showing all receipts,

1 expenditures, and balances during the last six months in your institutional accounts.”

2 Here, petitioner has timely filed his in forma pauperis motion, but the form he
3 provides does not include the detail required by Rule 24(a)(1) and Form 4. Petitioner will be
4 provided the appropriate form and may submit it within 30 days for the court’s review. Upon
5 receiving this form, the court will grant or deny petitioner’s July 16, 2012 motion to proceed in
6 forma pauperis on appeal.

7 Accordingly, IT IS HEREBY ORDERED THAT:

8 1. The Clerk of Court shall send petitioner the application used by this district to
9 proceed in forma pauperis;

10 2. Petitioner is granted thirty days from the date of this order to complete and
11 submit this form;

12 3. Petitioner’s pending motion to proceed in forma pauperis (Dkt. No. 17) is held
13 in abeyance until further notice.

14 Dated: September 20, 2012

15 
16 CAROLYN K. DELANEY
17 UNITED STATES MAGISTRATE JUDGE

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