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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RODNEY C. BUCKLEY, Petitioner, v. GIBSON, Respondent.	No. 2:13-cv-515-GEB-EFB P <u>ORDER</u>
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Petitioner, a state prisoner proceeding without counsel, filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Judgment was entered in this action on August 5, 2015. On September 8, 2015, petitioner filed a notice of appeal, a request for appointment of counsel and a request to proceed in forma pauperis.

The Federal Rules of Appellate Procedure provide 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 the district court . . . certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis


Fed. R. App. P. 24(a)(3). This court has not certified that petitioner's appeal is not taken in good faith and has not otherwise found that he is not entitled to proceed on appeal in forma pauperis.

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Accordingly, IT IS HEREBY ORDERED that petitioner's motion for leave to proceed in forma pauperis on appeal (ECF No. 31) is denied as unnecessary. Petitioner's motion for appointment of counsel (ECF No. 32) is denied without prejudice to renewal before the Court of Appeals.

Dated: September 10, 2015.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE