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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS WITTE,
Plaintiff,
v.
CAROLYN YOUNG and JUDY
CARVER,
Defendants.

No. 2:14-cv-2439-TLN-EFB

ORDER

On September 28, 2016, the court denied plaintiff’s motion for a new trial and motion to alter or amend judgment. ECF No. 62. Plaintiff subsequently filed a notice of appeal (ECF No. 63) and a request to proceed *in forma pauperis* on appeal (ECF No. 64).

Rule 24(a) of the Federal Rules of Appellate Procedure provides that a party to a district court action who desires to proceed *in forma pauperis* on appeal must file a motion in the district court which:

- (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.

Fed. R. App. P. 24(a)(1). Plaintiff submitted a declaration which demonstrates his inability to

1 pay or to give security for fees and costs. He did not, however, claim entitlement to redress or
2 describe the issues he intends to present on appeal.

3 Accordingly, IT IS HEREBY ORDERED that plaintiff's request to proceed *in forma*
4 *pauperis* on appeal (ECF No. 64) is denied without prejudice. The Clerk of the Court is directed
5 to serve a copy of this order on the United States Court of Appeals for the Ninth Circuit, and
6 plaintiff is hereby informed that he may file a motion to proceed *in forma pauperis* in the United
7 States Court of Appeals for the Ninth Circuit. *See* Fed. R. App. P. 24(a)(5).

8 DATED: October 24, 2016.

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10 EDMUND F. BRENNAN
11 UNITED STATES MAGISTRATE JUDGE
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