

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

WILLIAM A. BRACKEN,

Petitioner,

vs.

NEIL MCDOWELL, Warden, Ironwood
State Prison,

Respondent.

No. 2:15-cv-00408-JKS

ORDER

[Re: Motions at Docket Nos. 53, 54]

This Court denied William A. Bracken, a state prisoner proceeding *pro se*, habeas relief and a certificate of appealability on August 26, 2016. Docket Nos. 49, 50. Bracken timely filed a notice of appeal with this Court dated September 6, 2016. Docket No. 52.

At Docket No. 53, Bracken filed a request for a certificate of appealability. Because this Court has already denied Bracken a certificate of appealability, it appears that Bracken inadvertently filed his motion with this Court rather than the Court of Appeals. Bracken also moves for leave to appeal *in forma pauperis*. Docket No. 54. As this Court has already granted Bracken leave to proceed *in forma pauperis*, Docket No. 12, it is unnecessary for him to obtain further authorization from this Court, *see* FED. R. APP. P. 24(a)(3).

IT IS THEREFORE ORDERED THAT the Clerk of Court is directed to transfer Bracken's Motion for a Certificate of Appealability at Docket No. 53 to the Ninth Circuit Court of Appeals.

IT IS FURTHER ORDERED THAT Bracken's motion for leave to appeal *in forma pauperis* at Docket No. 54 is **DENIED AS MOOT**.

Dated: September 20, 2016.

/s/James K. Singleton, Jr. _____
JAMES K. SINGLETON, JR.
Senior United States District Judge