

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

CHRISTOPHER MASON,

Petitioner,

vs.

JOEL MARTINEZ, Warden, Sierra  
Conservation Center,

Respondent.

No. 2:15-cv-02176-JKS

ORDER

[Re: Motion at Docket No. 33]

This Court denied Christopher Mason, a California state prisoner proceeding *pro se*, habeas relief and a certificate of appealability on August 21, 2017. Docket Nos. 29, 30. Mason timely filed a notice of appeal with this Court dated September 18, 2017.<sup>1</sup> Docket No. 31. At Docket No. 33, Mason moves for leave to appeal *in forma pauperis*. As this Court has already granted Mason leave to proceed *in forma pauperis*, Docket No. 4, 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 motion for leave to appeal *in forma pauperis* at Docket No. 33 is **DENIED** as moot.

Dated: September 29, 2017.

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

---

<sup>1</sup> The Court is obligated to give Mason the benefit of the “mailbox rule” and assume that he “filed” his petition on September 18, 2017, the date he signed it and presumably turned it over to prison authorities. *See Anthony v. Cambra*, 236 F.3d 568, 574-75 (9th Cir. 2000) (citing *Houston v. Lack*, 487 U.S. 266, 275 (1988)).