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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 VESTER L. PATTERSON,

12 Plaintiff,

13 v.

14 JOHN CLARK KELSO,

15 Defendant.
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No. 2:16-cv-0719 AC P

ORDER

17 By order filed August 2, 2016, plaintiff's first amended complaint was dismissed without
18 leave to amend and this action was closed. ECF Nos. 25-27. Plaintiff proceeded to file a notice
19 of appeal. ECF No. 29. He also filed a motion to proceed in forma pauperis. ECF No. 33. This
20 action has been closed and, while Federal Rule of Appellate Procedure 24(a) directs appellants
21 seeking to proceed in forma pauperis to file a motion in the district court, plaintiff also filed a
22 motion with the Ninth Circuit that was granted. Patterson v. Kelso, No. 16-16489, ECF No. 6
23 (9th Cir. Nov. 21, 2016).

24 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma
25 pauperis (ECF No. 33) is denied as moot.

26 DATED: May 10, 2017

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28 ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE