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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

YONNIE JACKSON,  
  
                                Petitioner,  
  
                v.  
  
JOSE MARTINEZ,  
  
                                Respondent.

No. 2:17-cv-1311 TLN CKD P

ORDER

Petitioner, a state prisoner proceeding in forma pauperis, sought habeas relief pursuant to 28 U.S.C. § 2254. Judgment was entered in this action on October 13, 2021. On February 28, 2022, plaintiff filed a motion for leave to proceed in forma pauperis on appeal.

The Federal Rules of Appellate Procedure provide as follows:

[A] party who has been permitted to proceed in an action in the district court in forma pauperis . . . may proceed on appeal in forma pauperis without further authorization unless . . . the district court shall certify that the appeal is not taken in good faith or shall find that the party is otherwise not entitled so to proceed . . . .

Fed. R. App. P. 24(a). This court has not certified that plaintiff’s appeal is not taken in good faith and has not otherwise found that plaintiff is not entitled to proceed on appeal in forma pauperis. Accordingly, plaintiff’s motion for leave to proceed in forma pauperis on appeal will be denied as unnecessary.

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Also, petitioner has filed a motion for a certificate of appealability. Because the court denied a certificate of appealability in the order denying petitioner's petition for a writ of habeas corpus (ECF No. 38), that request is denied as moot.

In accordance with the above, IT IS HEREBY ORDERED that:

- 1. Petitioner's motion to proceed in forma pauperis on appeal (ECF No. 51) is denied as unnecessary.
- 2. Petitioner's motion for a certificate of appealability (ECF No. 49) is denied as moot.

Dated: March 3, 2022

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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