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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LAURA LESKINEN,

 Plaintiff,

 v.

SONNY PERDUE, Secretary of the United
States Department of Agriculture,

 Defendant.

No. 2:18-cv-453-TLN-KJN PS

ORDER GRANTING PLAINTIFF’S MOTION
TO PROCEED IN FORMA PAUPERIS
ON APPEAL

(ECF No. 74.)


On June 21, 2019, the undersigned recommended that Defendant’s motion for summary judgment be granted in full on Plaintiff’s Title VII claims (ECF No. 65). The district court adopted these findings and recommendations and entered judgment in favor of Defendant. (ECF Nos. 70, 71.) Plaintiff filed a notice of appeal, and has requested leave to proceed in forma pauperis before the Ninth Circuit. (ECF No. 74.) This is Plaintiff’s first IFP request.

Under Federal Rule of Appellate Procedure 24, “a party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court.” Fed. R. App. P. 24(a). The rule requires the party attach an affidavit that “(A) shows . . . 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.” *Id.* Finally, the rule provides that “[i]f the district court grants the motion, the party may proceed on appeal without prepaying or giving security for fees and costs, unless a statute provides otherwise.” *Id.*

1 Plaintiff's application in support of her request to proceed in forma pauperis makes the
2 showing required by the Rule. Plaintiff claims an entitlement to redress and adequately states the
3 issues she intends to appeal. Further, while the undersigned notes that Plaintiff initially paid the
4 \$400 filing fee when she instituted this action, her affidavit shows her current financial situation
5 is such that she is unable to pay the filing fee to proceed with her appeal. Thus, Plaintiff's motion
6 to proceed IFP on appeal is granted. See Patrick v. Pierce, 2019 WL 2493279, at *1 (E.D. Cal.
7 June 14, 2019) ("The magistrate judge's grant of plaintiff's motion to proceed in forma pauperis
8 is a non-dispositive order that is well within the magistrate judge's authority."); Smith v. Officer
9 Sergent, 2016 WL 6875892, at *1 (E.D. Cal. Nov. 21, 2016) ("[I]t is well settled that a magistrate
10 judge may grant a motion to proceed in forma pauperis, but "has no authority to issue a
11 dispositive order denying in forma pauperis status absent compliance with section 636(c)." (citing
12 Tripati v. Rison, 847 F.2d 548, 549 (9th Cir. 1988)).

13 For these reasons, the Court HEREBY ORDERS that Plaintiffs' motion to proceed in
14 forma pauperis on appeal (ECF No. 74) is GRANTED.

15 Dated: December 9, 2019

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18 KENDALL J. NEWMAN
19 UNITED STATES MAGISTRATE JUDGE

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