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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BOYD HALL III,  
Petitioner,  
v.  
B. CURRY, Warden,  
Respondent.

No. C 06-5812 MMC (PR)

**ORDER DENYING REQUEST TO  
PROCEED IN FORMA PAUPERIS  
ON APPEAL**

On September 21, 2006, petitioner, a California prisoner proceeding pro se, filed the above-titled petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner paid the filing fee and thus did not proceed in forma pauperis. On July 2, 2009, the Court denied the petition on the merits. Petitioner has filed a notice of appeal.

Petitioner now moves to proceed in forma pauperis on appeal. Petitioner, however, has not complied with the requirements of the Federal Rules of Appellate for filing such a request. Specifically, petitioner has not attached an affidavit that “shows in detail . . . the party’s inability to pay or give security for the fees and costs.” See Fed. R. App. P. 24(a)(1)(A).

Petitioner having failed to comply with such requirement, petitioner’s request to proceed in forma pauperis is hereby DENIED.

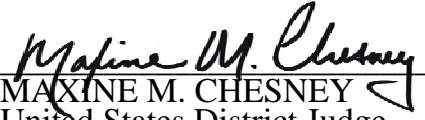
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Petitioner may, however, file with the Ninth Circuit Court of Appeals a motion to proceed in forma pauperis pursuant to Federal Rule of Appellate Procedure 24(a)(5).

**IT IS SO ORDERED.**

DATED: January 5, 2010

  
MAXINE M. CHESNEY  
United States District Judge