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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARLON E. PAGTAKHAN,

No. C 09-5495 SI (pr)

Petitioner,

**ORDER DENYING REQUESTS FOR
LEAVE TO PROCEED IN FORMA
PAUPERIS ON APPEAL**

v.

ED FOULK,

Respondent.

Docket Nos. 46, 47 & 48

Petitioner has filed several documents seeking leave to proceed on appeal in forma pauperis in the above-entitled action. See Docket Nos. 46, 47 & 48. Earlier this year, after Petitioner paid the \$5.00 filing fee, the Court dismissed on Younger abstention grounds the habeas action Petitioner filed challenging issues related to his competency proceedings. See Younger v. Harris, 401 U.S. 37, 43–54 (1971); Docket Nos. 1 (filing fee paid) & 38 (order dismissing petition). The Court also denied a certificate of appealability because Petitioner failed to demonstrate that “jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” Slack v. McDaniel, 529 U.S. 473, 484 (2000). See Docket No. 43.

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Because the Court now finds that Petitioner’s appeal is not taken in “good faith,” leave to proceed on appeal in forma pauperis (Docket Nos. 46, 47 & 48) is **DENIED**. See 28 U.S.C. § 1915(a)(3).

The clerk is directed to notify the court of appeals. See Fed. R. App. P. 24(a)(4)(B).

IT IS SO ORDERED.

DATED: November 18, 2011



SUSAN ILLSTON
United States District Judge