

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARK THOMAS GRUNAU,

Petitioner,

v.

RICK M. HILL,

Respondent.

No. C 10-5648 WHA (PR)


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

(Docket No. 12)

This is a habeas corpus case filed by a state prisoner pursuant to 28 U.S.C. 2254. The petition was denied on its merits, and a certificate of appealability was denied in the same order. Petitioner has filed a notice of appeal and a motion for leave to proceed on appeal in forma pauperis. The certificate of appealability was denied because “no reasonable jurist would find the denial of his claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). For the same reason, petitioner’s appeal is not taken in “good faith” and consequently leave to proceed on appeal in forma pauperis is **DENIED**. See 28 U.S.C. § 1915(a)(3).

IT IS SO ORDERED.

DATED: December 22, 2011



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE