

United States District Court
For the Northern District of California

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

SALLY STEINHART,

No. C -11-03497 EDL

Plaintiff,

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

v.

JOSEPH BARKELA, et al.,

Defendants.

On October 16, 2013, Plaintiff Sally Steinhart filed a letter regarding her September 19, 2013 "Motion to Proceed In Forma Pauperis on Appeal to the Ninth Circuit Court of Appeal," which the Court denied without prejudice on October 7, 2013.

Federal Rule of Appellate Procedure 24(a)(1) governs Plaintiff's Motion:

Except as stated in Rule 24(a)(3), a party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court. The party must attach an affidavit that:

- (A) shows in the detail prescribed by Form 4 of the Appendix of Forms, 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.

Fed. R. App. P. 24(a)(1). Federal Rule of Appellate Procedure 24(a)(3) does not apply to Plaintiff because she did not proceed in forma pauperis in this Court. Plaintiff has alerted the Court to her Form 4 affidavit, which is sufficient to satisfy Rule 24(a)(1). Accordingly, Plaintiff's Motion to Proceed In Forma Pauperis on Appeal is granted.

IT IS SO ORDERED.

Dated: October 18, 2013

Elizabeth D. Laporte
ELIZABETH D. LAPORTE
United States Magistrate Judge