

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

3 CUONG V. TRAN,

No. C 09-3993 CW (PR)

4                                    Petitioner,

ORDER GRANTING PETITIONER  
LEAVE TO PROCEED IN FORMA  
PAUPERIS ON APPEAL

5                                    v.

6 KATHLEEN DICKINSON,

(Docket no. 14)

7                                    Respondent.  
8 \_\_\_\_\_/

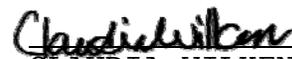
9  
10                                    On August 9, 2011, the Court denied on the merits Petitioner's  
11 pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254  
12 and also denied a certificate of appealability. Petitioner has  
13 filed a notice of appeal and a request for leave to proceed in  
14 forma pauperis (IFP) on appeal.

15                                    Upon filing this action, Petitioner paid the district court  
16 filing fee. Consequently, he requires permission to proceed IFP on  
17 appeal because Rule 24(a)(3) of the Federal Rules of Appellate  
18 Procedure, which provides that a party proceeding IFP in district  
19 court may continue in that status on appeal unless the district  
20 court certifies that the appeal is not taken in good faith, does  
21 not apply. Based on the documents submitted by Petitioner in  
22 support of his request, the Court finds he qualifies to proceed IFP  
23 on appeal. Accordingly, the request is GRANTED.

24                                    This Order terminate Docket no. 14.

25                                    IT IS SO ORDERED.

26 Dated: 10/25/2011

27   
\_\_\_\_\_  
CLAUDIA WILKEN  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA  
4

5 CUONG,

6 Plaintiff,

7 v.

8 TRAN-V-KATHLEEN DICKINSON et al,

9 Defendant.  
10 \_\_\_\_\_/

Case Number: CV09-03993 CW

**CERTIFICATE OF SERVICE**

11 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court,  
12 Northern District of California.

13 That on October 25, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said  
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
15 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located  
16 in the Clerk's office.

17 Cuong V. Tran F-92816  
18 CMF Prison  
19 P.O. Box 2000  
20 Vacaville, CA 95696-2000

21 Dated: October 25, 2011

Richard W. Wieking, Clerk  
By: Nikki Riley, Deputy Clerk