

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

3 STEPHEN LIEBB,

No. C 10-02377 CW (PR)

4 Petitioner,

ORDER DENYING LEAVE TO PROCEED
IN FORMA PAUPERIS ON APPEAL

5 v.

6 VINCENT CULLEN, Acting Warden,

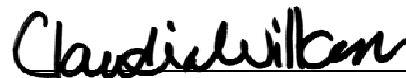
7 Respondent.
8 _____/

9 This matter is now before the Court for consideration of
10 Petitioner's motion for leave to proceed in forma pauperis on
11 appeal. Petitioner's pro se petition for a writ of habeas corpus
12 under 28 U.S.C. § 2254 -- challenging as a violation of his
13 constitutional rights the 2009 denial of parole by the California
14 Board of Parole Hearings -- was denied on its merits, and a
15 certificate of appealability was denied in the same Order.
16 Petitioner has filed a notice of appeal and a motion for leave to
17 proceed in forma pauperis on appeal. The certificate of
18 appealability was denied because the Court found that "it cannot be
19 said that 'reasonable jurists would find the district court's
20 assessment of the constitutional claims debatable or wrong.'" (Feb. 7,
21 2011 Order at 3 (quoting Slack v. McDaniel, 529 U.S. 473,
22 484 (2000)).) For the same reason, Petitioner's appeal is not
23 taken in "good faith" and consequently leave to proceed in forma
24 pauperis on appeal is DENIED. See 28 U.S.C. § 1915(a)(3).

25 This Order terminates Docket no. 15.

26 IT IS SO ORDERED.

27 Dated: 3/31/2011



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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

4 STEPHEN LIEBB,

5 Plaintiff,

6 v.

7 VINCENT CULLEN et al,

8 Defendant.

Case Number: CV10-02377 CW

CERTIFICATE OF SERVICE

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

11 That on March 31, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
13 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
14 receptacle located in the Clerk's office.

15 Stephen Liebb
16 C-60825
17 San Quentin State Prison
18 San Quentin, CA 94974

19 Dated: March 31, 2011

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