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28UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAARMANDO ABREU,  
Petitioner,  
v.  
DONALD TRUMP, et al.,  
Respondents.

Case No. 17-cv-02438-HSG (PR)

**ORDER DENYING MOTION FOR  
LEAVE TO PROCEED IFP ON APPEAL**

Re: Dkt. No. 8

Petitioner, a prisoner of the State of California proceeding pro se, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254, asking the court to compel his deportation to Mexico as well as to modify his sentence. Upon initial review of the petition under Rule 4 of the Rules Governing Section 2254 Cases, the Court dismissed the petition based on lack of jurisdiction and failure to state a claim. The Court also denied a certificate of appealability.

Petitioner has filed a notice of appeal as well as an application to proceed with that appeal in forma pauperis (“IFP”). An appeal may not be taken IFP if the district court certifies that the appeal is not taken in good faith. 28 U.S.C. § 1915(a)(3). The Court certifies that any appeal taken from the order of dismissal and judgment of this action will not be taken in good faith and is therefore frivolous.

The Clerk shall forthwith notify petitioner and the Court of Appeals of this order. *See* FRAP 24(a)(4). Petitioner may file a motion for leave to proceed IFP on appeal in the Court of Appeals within thirty days after service of notice of this order. *See* FRAP 24(a)(5). Any such


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motion “must include a copy of the affidavit filed in the district court and the district court’s statement of reasons for its action.” *Id.*

This order terminates Docket. No. 8.

**IT IS SO ORDERED.**

Dated: 8/22/2017

  
HAYWOOD S. GILLIAM, JR.  
United States District Judge