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\*E-FILED - 11/30/10\*

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

AVERILL W. BRIGGS,	)	No. C 08-3856 RMW (PR)
	)	
Petitioner,	)	ORDER DENYING MOTION FOR
	)	LEAVE TO PROCEED IN FORMA
vs.	)	PAUPERIS AS UNNECESSARY;
	)	DENYING MOTION FOR
WARDEN GROUNDS,	)	APPOINTMENT OF COUNSEL AS
	)	MOOT
Respondent.	)	

On June 29, 2010, this court denied petitioner’s petition for writ of habeas corpus, but granted a certificate of appealability on one issue. On July 30, 2010, petitioner filed a motion for leave to appeal in forma pauperis as well as a motion for appointment of counsel.

Because the court previously granted petitioner leave to proceed in forma pauperis (doc. no. 3), no further authorization is required for petitioner to continue to litigate in this same manner. See Fed. R. App. P. 24(a)(3). The motion for leave to proceed in forma pauperis is denied as unnecessary.

Petitioner also requests appointment of counsel to assist in his appeal. On October 8, 2010, the Ninth Circuit granted petitioner’s motion for appointment of counsel. Thus, his motion to this court for appointment of counsel is denied as moot.

No further filings will be accepted in this closed case.

IT IS SO ORDERED.

Dated: 11/30/10

  
 RONALD M. WHYTE  
 United States District Judge