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\*E-FILED - 6/22/11\*


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

EDWARD HARVEY,  
  
Plaintiff,  
  
v.  
  
UNITED STATES OF AMERICA,  
  
Defendant.

No. C-10-00019 RMW  
Related Criminal Case: No. CR-05-00373 RMW  
  
ORDER ON MOTIONS FOR LEAVE TO APPEAL *IN FORMA PAUPERIS* AND MOTION FOR EXTENSION OF TIME TO APPLY FOR CERTIFICATE OF APPEALABILITY  
  
[Re Docket Nos. 131 and 132 (Action No. CR-05-00373 RMW)]

Defendant Edward Harvey seeks to appeal the denial of his Section 2255 motion and requests that he be given *in forma pauperis* status. The district court refused to issue a certificate of appealability. Harvey seeks an extension of time in which to request a certificate from the court of appeal. Since he has filed a notice of appeal, that is deemed a request for a certificate of appealability. Fed. R. App. Proc. 22(b)(2). His request to appeal *in forma pauperis* is denied without prejudice to a request to the court of appeal if he is granted a certificate of appealability.

DATED: 6/22/11

  
\_\_\_\_\_  
RONALD M. WHYTE  
United States District Judge

1 **Copy of Order electronically mailed to:**

2 **Counsel for the Government:**

3 Shawna Yen

shawna.yen2@usdoj.gov

4

5 **Copy of Ordered mailed to:**

6 Edward Harvey

c/o F.C.I. Loretto

7 #39728-039

Federal Correction Institution

8 P.O. Box 1000

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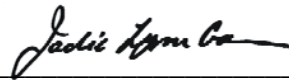
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Dated: 6/22/11



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Chambers of Judge Whyte

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