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28UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAESEQUIEL “PAUL” GARCIA,  
Petitioner,

v.

NEIL MCDOWELL, Warden,  
Respondent.

Case No. 16-cv-05301 BLF (PR)

**ORDER DENYING MOTION FOR  
LEAVE TO APPEAL *IN FORMA  
PAUPERIS***

(Docket No. 95)

Petitioner, a state prisoner proceeding *pro se*, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his state conviction. April 14, 2023, the Court denied the second amended petition on the merits and entered judgment in favor of Respondent. Dkt. Nos. 87, 88. On April 19, 2023, Petitioner filed a notice of appeal, Dkt. No. 90, and then a motion for reconsideration, Dkt. No. 93. Most recently on May 1, 2023, Petitioner filed a motion for leave to proceed *in forma pauperis* on appeal. Dkt. No. 95.

Petitioner was not granted pauper status in the instant action as he paid the full filing fee. *See* Dkt. Nos. 10, 22. Accordingly, Petitioner’s motion for leave to proceed *in forma pauperis* on appeal is **DENIED** without prejudice to bringing it directly in the Ninth Circuit for an independent review of the record to determine whether the appeal is

United States District Court  
Northern District of California

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frivolous.

The Clerk shall forward a copy of this order to the Ninth Circuit Court of Appeals.

This order terminates Docket No. 95.

**IT IS SO ORDERED.**

Dated: May 11, 2023

  
BETH LABSON FREEMAN  
United States District Judge