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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

MARK WILSON,

vs.

MIKE POULOS, LORI DI CARLO,
MATTHEW CATE, JAMES TILTON,
RODERICK HICKMAN, et al.,

Defendants.

CASE NO. 08-CV-1412 JLS (JMA)

**ORDER: GRANTING MOTION
FOR LEAVE TO APPEAL IN
FORMA PAUPERIS**

(Doc. No. 37)

Presently before the Court is Appellant Mark Wilson’s motion to proceed *in forma pauperis* on appeal. (Doc. No. 37.) Appellant’s motion is **GRANTED**.

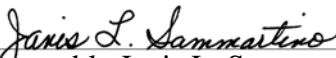
Motions to proceed *in forma pauperis* on appeal are governed by 28 U.S.C. § 1915 and Federal Rule of Appellate Procedure 24. *See Hooker v. Am. Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) (quoting *Dixon v. Pitchford*, 843 F.2d 268, 270 (7th Cir. 1988)). Section 1915 permits a court to authorize an appeal without the prepayment of fees if the party submits an affidavit, including a statement of assets, showing that he is unable to pay the required filing fee. Rule 24(a)(1) states that “a party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court. The party must attach an affidavit that: (A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs; (B) claims an entitlement to redress; and (C) states the issues that the party intends to present on appeal.”

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Having reviewed Appellant’s application, the Court finds that Appellant’s affidavit satisfies the requirements set forth by Rule 24(a). The Court therefore **GRANTS** Appellant’s motion.¹

IT IS SO ORDERED.

DATED: September 2, 2010



Honorable Janis L. Sammartino
United States District Judge

¹ This Order in no way negates the Court’s earlier Order denying Appellant’s motion to extend time to appeal or, in the alternative, to reopen time to appeal. (Doc. No. 35.) However, while Appellant’s appeal remains untimely, the Court, out of an abundance of caution, **GRANTS** Appellant’s motion for leave to appeal *in forma pauperis*.