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8 **UNITED STATES DISTRICT COURT**

9 **SOUTHERN DISTRICT OF CALIFORNIA**

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11 ROBERT A. MENDOZA,
12 Petitioner,
13 MARCUS POLLARD, Warden,
14 Respondent.

Case No.: 3:20-cv-0847-GPC-RBB

15 **ORDER GRANTING PETITIONER'S**
16 **AMENDED MOTION FOR LEAVE**
17 **TO PROCEED IN FORMA PAUPERIS**
18 **ON APPEAL**
19 **[DKT. NO. 42.]**

20 On June 24, 2021, the Court issued an order adopting report and recommendation
21 granting motion to dismiss, denying motion for partial summary judgment and denying a
22 certificate of appealability. (Dkt. No. 35.) The Clerk of Court issued judgment on the
23 same day. (Dkt. No. 36.) On November 12, 2021, Petitioner filed a notice of appeal with
24 the Ninth Circuit and a motion for leave to proceed in forma pauperis on appeal in this
25 Court. (Dkt. No. 42.)

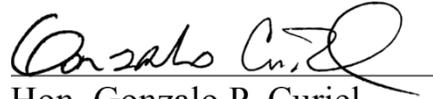
26 Federal Rule of Appellate Procedure 24(a)(3) provides that a party who was
27 “determined to be financially unable to obtain an adequate defense in a criminal case,”
28 may proceed on appeal in forma pauperis without further authorization.” Fed. R. App. P.
24(a)(3).

Petitioner states he was represented by a public defender during his underlying

1 criminal trial. (Dkt. No. 40; Dkt. No. 1, Pet. at 65¹.) Because he was determined to be
2 financially unable to obtain an adequate defense in his state court criminal trial, the Court
3 GRANTS Petitioner's motion for leave to proceed in forma pauperis on appeal.

4 IT IS SO ORDERED.

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6 Dated: November 18, 2021

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8 Hon. Gonzalo P. Curiel
9 United States District Judge
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28 ¹ Page numbers are based on the CM/ECF pagination.