UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

JOHN MOULTRIE, n/k/a MUJAHID LATIF,

Petitioner,

Case No. 09-11543 HON. GEORGE CARAM STEEH

VS.

DEBRA SCUTT,

Respondent.

ORDER DENYING PETITIONER'S MOTION FOR PERMISSION TO APPEAL IN FORMA PAUPERIS

Before the court is petitioner's motion for permission to appeal *in forma pauperis*, filed on November 4, 2010.

On September 15, 2010, this court accepted and adopted the magistrate judge's report and recommendation, denied petitioner's petition for a writ of habeas corpus, denied the issuance of a certificate of appealability, and denied petitioner leave to proceed *in forma pauperis* on appeal. See Dkt. No. 15. On October 6, 2010, this court denied petitioner's motion for relief from judgment. See Dkt. No. 18. On October 15, 2010, petitioner filed a notice of appeal. See Dkt. No. 19.

On April 29, 2011, the United States Court of Appeals for the Sixth Circuit issued an order denying petitioner's motion for a certificate of appealability and denied as moot

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petitioner's motion to proceed in forma pauperis on appeal.

Accordingly,

Petitioner's motion for permission to appeal in forma pauperis is denied as moot.

SO ORDERED.

Dated: May 9, 2011

<u>S/George Caram Steeh</u> GEORGE CARAM STEEH UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on May 9, 2011, by electronic and/or ordinary mail.

> S/Josephine Chaffee Deputy Clerk