

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

8 STEVEN BRAUNSTEIN, )  
9 Petitioner, ) 2:07-cv-0014-RLH-GWF  
10 vs. )  
11 STATE OF NEVADA, *et al.*, ) ORDER  
12 )  
13 Respondents. ) /

15 This action proceeds on a petition for writ of habeas corpus pursuant to 28 U.S.C. §  
16 2254, by petitioner Steven Braunstein, a Nevada prisoner. Before the Court is petitioner's post  
17 denial motion for appointment of counsel (docket #118), motion to proceed *in forma pauperis*  
18 (docket #119) and motion for certificate of appealability (docket #120).

19                   While petitioner paid the \$5 filing fee to proceed in this action, a review of his current  
20 financial circumstances establishes that he does not have the funds available to pay the filing fee to  
21 proceed on appeal. Thus, his application to proceed in *forma pauperis* [on appeal] shall be granted.

22 His motion for appointment of counsel on appeal shall also be denied by this court  
23 without prejudice to renew to the court of appeals. The court has previously considered and denied  
24 such a motion for counsel and finds that the circumstances are not sufficiently altered to warrant a  
25 change in that determination.

Finally, the motion for certificate of appealability shall be denied as moot. The court

1 has already determined the issue in its decision entered on July 6, 2010 (docket #115).

2           **IT IS THEREFORE ORDERED** that the motion to proceed in *forma pauperis* [on  
3 appeal] (docket #119) is **GRANTED**.

4           **IT IS FURTHER ORDERED** that the motion for appointment of counsel (docket  
5 #118) and the motion for certificate of appealability (docket #120) are **DENIED**.

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7           DATED this 4<sup>th</sup> day of August, 2010.

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10             
CHIEF UNITED STATES DISTRICT JUDGE

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