

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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JOHN WESLEY POTEAT,	:	
	:	
Petitioner,	:	Civ. No. 16-2351 (RBK)
	:	
v.	:	
	:	
ATTORNEY GENERAL OF THE STATE OF	:	<b>MEMORANDUM AND ORDER</b>
NEW JERSEY, et al.	:	
	:	
Respondents.	:	
	:	

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Petitioner is a state prisoner proceeding *pro se* with a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. On February 1, 2017, this Court denied the habeas petition and denied a certificate of appealability. Petitioner filed an appeal. Presently pending before this Court is petitioner's applications to proceed *in forma pauperis* on appeal. (See Dkt. Nos. 19 & 20) After petitioner filed his pending applications to proceed *in forma pauperis* on appeal, the United States Court of Appeals for the Third Circuit denied a certificate of appealability on April 24, 2017. (See Dkt. No. 21) On May 1, 2017, the Third Circuit entered an order stating that it would take no action on petitioner's pending application to proceed *in forma pauperis* that was pending before that Court in light of the order denying a certificate of appealability entered on April, 24, 2017 that denied a certificate of appealability. In light of the denial of a certificate of appealability by the Third Circuit, petitioner's applications to proceed *in forma pauperis* on appeal pending before this Court will be denied as unnecessary.

Accordingly, IT IS this 4th day of May, 2017,

ORDERED that petitioner's applications to proceed *in forma pauperis* on appeal (Dkt. Nos. 19 & 20) are denied as unnecessary as the Third Circuit has now denied a certificate of appealability on petitioner's appeal; and it is further

ORDERED that the Clerk shall serve this Order on petitioner by regular U.S. mail.

s/Robert B. Kugler  
ROBERT B. KUGLER  
United States District Judge