**UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF COLUMBIA**

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| **ABDULLAH OMAR AL HAJJI,** | ) | |
| | ) | |
| **Petitioner,** | ) | |
| | ) | |
| **v.** | ) | **Civil Case No. 05-429 (RJL)** |
| | ) | |
| **BARACK OBAMA,** ***et al.*****,** | ) | |
| | ) | |
| **Respondents.** | ) | |
| | ) | |

**MEMORANDUM ORDER**
(February 3, 2010) [# 263]

Before the Court is petitioner's Motion for Leave to Proceed on Appeal *In Forma Pauperis*. The Order which petitioner seeks to appeal *in forma pauperis* ("IFP") is the Court's dismissal of his habeas petition on November 23, 2009. In accordance with Federal Rule of Appellate Procedure 24(a)(2),[1] the petitioner's motion, for the following reasons, must be DENIED.

A motion to proceed on appeal IFP must be denied if the appeal "is not taken in good faith." 28 U.S.C. § 1915(a)(3). An appeal is "not taken in good faith" if it fails to present any issue that is not "plainly frivolous." *See Wooten v. District of Columbia Metropolitan Police Department*, 129 F.3d 206, 207 (D.C. Cir. 1997).

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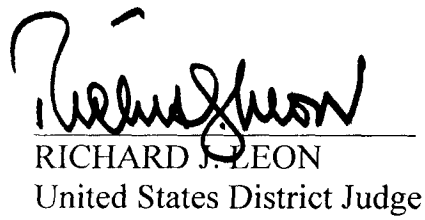
[1] "If the district court denies the motion [for leave to proceed in Forma Pauperis], it must state its reasons in writing." Fed. R. App. P. 24(a)(2).

In this case, petitioner has failed to present any non-frivolous issues for appeal. Petitioner is a former detainee at the United States Naval Base at Guantanamo Bay, Cuba, who sought to keep his habeas petition alive despite his transfer out of the custody of the United States. In holding that his petition was mooted by his transfer to Tunisia, the Court noted that its ruling was compelled by the obvious practical obstacles to any redress of petitioner's claims. (*See* Mem. Order [# 255].) Moreover, the Court cited to authority from our Circuit and the Supreme Court which clearly foreclosed all of petitioner's arguments as to why his petition should not be dismissed as moot. (*Id.*) Thus, the Court concludes that petitioner's appeal is not in good faith because it fails to present any non-frivolous issue. Accordingly, petitioner's motion must be DENIED. *See Sills v. Bureau of Prisons*, 761 F.2d 792, 795 (D.C. Cir. 1985).

For these reasons, it is hereby

**ORDERED** that petitioner's Motion to Proceed on Appeal *In Forma Pauperis* [# 263] is DENIED.

**SO ORDERED**.



RICHARD J. LEON
United States District Judge