

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

ALVIN DARRELL SMITH,

Petitioner,

v.

2:05 CV 64
(Maxwell)

WARDEN AL HAYNES,

Respondent.

ORDER

Having considered the Petitioner's Motion and Affidavit for Permission to Appeal *In Forma Pauperis*, filed in the above-styled *habeas corpus* action on October 3, 2007, it is

ORDERED that, pursuant to Rule 24(a) of the Federal Rules of Appellate Procedure, the Petitioner's Motion for Permission to Appeal *In Forma Pauperis* (Docket No. 51) be, and the same is hereby, **GRANTED**, and the Petitioner may proceed on appeal without prepayment of costs or fees. It is further

ORDERED that the Clerk of Court shall transmit the record in the above-styled *habeas corpus* action to the United States Court of Appeals for the Fourth Circuit in accordance with Rule 11 of the Federal Rules of Appellate Procedure. It is further

ORDERED that the Clerk of Court shall transmit a copy of this Order to the *pro se* Petitioner; to counsel of record; and to the United States Court of Appeals for the Fourth Circuit.

ENTER: December 4 , 2007

/S/ Robert E. Maxwell
United States District Judge