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CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

LAWRENCE EUGENE MARTIN,

Petitioner - Appellant,

v.

SUPERIOR COURT JUDGE FOSTER,

Respondent - Appellee.

No. 07-55439

D.C. No. CV-06-00525-DSF

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Dale S. Fischer, District Judge, Presiding

Submitted December 20, 2007**

Before: LEAVY, W. FLETCHER and FISHER, Circuit Judges.

To the extent a certificate of appealability is necessary for this appeal, the request for a certificate of appealability is denied. *See* 28 U.S.C. § 2253(c)(2).

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

To the extent a certificate of appealability is not necessary for this appeal, we sua sponte grant appellant in forma pauperis status for this appeal. The Clerk shall change the docket to reflect appellant's in forma pauperis status.

A review of the record indicates that the questions raised in this appeal are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). Accordingly, we summarily affirm the district court's judgment.

AFFIRMED.