

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

10 JOSHUA EARL BECK,) 1:06-CV-0074 REC LJO HC
11 Petitioner,) ORDER TO SUBMIT APPLICATION
12 v.) TO PROCEED IN FORMA PAUPERIS
13 MIKE EVANS, Warden,) AND CERTIFIED COPY OF PRISON
14 Respondent.) TRUST ACCOUNT STATEMENT
) OR PAY FILING FEE

Petitioner, a state prisoner proceeding pro se, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. However, Petitioner did not pay the five dollar (\$5.00) filing fee or submit an application to proceed in forma pauperis. Petitioner will be provided the opportunity to submit a new application to proceed in forma pauperis and a certified copy of his trust account statement **or** pay the \$5.00 filing fee.

In accordance with the above, IT IS HEREBY ORDERED that

1. The Clerk of Court SHALL send to Petitioner the form for filing an application to proceed in forma pauperis; and
2. Within thirty (30) days of the date of service of this order, Petitioner SHALL submit a completed application to proceed in forma pauperis and a certified copy

1 of his prison trust account statement for the six month period immediately
2 preceding the filing of the petition, or in the alternative, pay the \$5.00 filing fee
3 for this action. Petitioner's failure to comply with this order will result in a
4 recommendation that this action be dismissed.

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6 IT IS SO ORDERED.

7 **Dated:** January 26, 2006
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/s/ Lawrence J. O'Neill
UNITED STATES MAGISTRATE JUDGE