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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESSE T. MOTEN,
Petitioner,

1:06-CV-0420-OWW-TAG HC

vs.

ORDER TO SUBMIT
APPLICATION TO PROCEED
IN FORMA PAUPERIS
OR FILING FEE

THE PEOPLE OF THE STATE
OF CALIFORNIA,
Respondent.

_____ /

Petitioner is a state prisoner proceeding pro se in an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has not paid the \$5.00 filing fee, or submitted an application to proceed in forma pauperis on the appropriate form pursuant to 28 U.S.C. § 1915.

Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk’s Office shall send to petitioner the form for application to proceed in forma pauperis.
2. Within thirty (30) days of the date of service of this order, petitioner shall submit a completed application to proceed in forma pauperis, or in the alternative, pay the \$5.00 filing fee for this action.

Failure to comply with this order will result in a recommendation that this action be dismissed.

IT IS SO ORDERED.

Dated: April 27, 2006
j6eb3d

/s/ Theresa A. Goldner
UNITED STATES MAGISTRATE JUDGE