

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

HUE NAY,  
Petitioner,  
vs.  
A, HEDGPETH,  
Responder

1:09-cv-00095-TAG (HC)

**ORDER TO SUBMIT NEW APPLICATION  
TO PROCEED IN FORMA PAUPERIS  
OR PAY FILING FEE WITHIN 45 DAYS**

A, HEDGPETH,

## Respondent.

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Plaintiff has not submitted a complete application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

Accordingly, IT IS HEREBY ORDERED that:

16 Within forty-five (45) days of the date of service of this order, plaintiff shall submit the  
17 attached application to proceed in forma pauperis, completed and signed, or in the alternative, pay  
18 the \$350.00 filing fee for this action. **No requests for extension will be granted without a**  
19 **showing of good cause.** Within sixty (60) days of the date of service of this order, plaintiff shall  
20 submit a certified copy of his/her prison trust statement for the six month period immediately  
21 preceding the filing of the complaint.

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

25 || IT IS SO ORDERED.

26 || Dated: **January 16, 2009**

/s/ Theresa A. Goldner  
UNITED STATES MAGISTRATE JUDGE