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

WESLEY HAMMONS,

1:11-cv-01719-MJS-(HC)

Petitioner,

vs.

ORDER VACATING GRANT TO  
PROCEED IN FORMA PAUPERIS AND  
VACATING ORDER DIRECTING  
PAYMENT

JAMES D. HARTLEY,

Respondent.

(Doc. 7)

\_\_\_\_\_/

Petitioner is a state prisoner proceeding pro se in a habeas corpus action pursuant to 28 U.S.C. Section 2254. On September 26, 2011, Petitioner filed an application to proceed in forma pauperis. (Mot., ECF No. 2.) On October 18, 2011, the Court granted the application to proceed in forma pauperis, however the Court incorrectly considered the petition for writ of habeas corpus a civil rights complaint, and ordered Petitioner to make monthly payments. (Order, ECF No. 7.)

The order is HEREBY VACATED. Petitioner is not required to make monthly payments as stated in the order, and the Court hereby notifies the California Department of Corrections and the Financial Department of the United States District Court that monthly payments shall not be collected. The Court shall address Petitioner's application to proceed in forma pauperis by way of a separate order.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The order granting Plaintiff's application to proceed in forma pauperis and  
3 directing payment of filing fee is VACATED (ECF No. 7.);

4 2. The Clerk of the Court is directed to serve a copy of this order on the Director of  
5 the California Department of Corrections, via the court's electronic case filing system  
6 (CM/ECF); and

7 3. The Clerk of Court is directed to serve a copy of this order on the Financial  
8 Department, U.S. District Court, Eastern District of California, Fresno Division.

9 IT IS SO ORDERED.

10 Dated: November 9, 2011

*/s/ Michael J. Seng*  
11 UNITED STATES MAGISTRATE JUDGE  
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