

1 1983 to a habeas action under 28 U.S.C. § 2254. The filing fees for these actions differ
2 significantly which constitutes good cause to extend the due date for the payment of Plaintiff's
3 filing fee. This extension will allow Plaintiff to determine the type of action under which he
4 wishes to proceed.

5 Accordingly, the Court **HEREBY ORDERS** that:

- 6 1. The Clerk's Office is directed to file Plaintiff's "request to submit and file *in*
7 *forma pauperis* with declaration" which was lodged on July 31, 2017, (Doc. 22);
- 8 2. **Within fourteen (14) days** of the date of service of this order, Plaintiff shall
9 either:
 - 10 a. pay in full the \$400.00 filing fee for this action; or
 - 11 b. file a statement indicating that he wishes this action to be re-designated as a
12 petition for writ of habeas corpus under 28 U.S.C. § 2254; and
- 13 3. **Plaintiff's failure to comply with this order shall result in the dismissal of this**
14 **action without prejudice.**

15 IT IS SO ORDERED.

16 Dated: August 10, 2017

17 /s/ Sheila K. Oberto
18 UNITED STATES MAGISTRATE JUDGE