

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

AL GENE FISHER, JR.,

No. 1:17-cv-01050-JLT (HC)

**Petitioner,**

**ORDER GRANTING PETITIONER'S  
MOTION FOR CORRECTION [Doc. 11]**

Y.

C. PFEIFFER.

### Respondent.

**ORDER MODIFYING ORDER OF  
AUGUST 23, 2017, BY VACATING ORDER  
DIRECTING CDCR TO COLLECT \$350.00  
FILING FEE AND GRANTING  
PETITIONER'S MOTION TO PROCEED  
IN FORMA PAUPERIS IN THIS HABEAS  
ACTION [Doc. 7]**

On August 17, 2017, Petitioner filed a motion to proceed in forma pauperis. The Court granted the motion on August 23, 2017. However, as noted by Petitioner in his motion for correction of September 15, 2017, the order incorrectly stated that Petitioner had filed a civil rights complaint when in fact he was proceeding in a habeas corpus action. Consequently, the Court’s order incorrectly directed the California Department of Corrections and Rehabilitation (“CDCR”) to collect the sum of \$350.00 for payment of the filing fee.

Accordingly, the Court ORDERS:

- 1) Petitioner's motion for correction is GRANTED;
- 2) The Court's order of August 23, 2017, is MODIFIED as follows: 1) The order directing the CDCR to collect the \$350.00 filing fee is VACATED; and 2) Petitioner

is authorized to proceed in forma pauperis in this habeas action pursuant to 28 U.S.C. § 1915.

IT IS SO ORDERED.

Dated: September 22, 2017

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE