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

KENNETH LEE MARTINEZ,

Petitioner,

No. CIV S-06-0831 GEB DAD P

vs.

PEOPLE OF THE STATE OF
CALIFORNIA,

Respondent.

ORDER

_____/

Petitioner, a state prisoner at Corcoran State Prison, has filed a state habeas petition to the San Joaquin County Superior Court. No other pleadings have been filed by the petitioner. In order to commence an action, petitioner must file a federal petition for writ of habeas corpus as required by Rule 3 of the Federal Rules of Civil Procedure, and petitioner must either pay the required filing fee or file an application requesting leave to proceed in forma pauperis. See 28 U.S.C. §§ 1914(a), 1915(a). The court will not issue any orders granting or denying relief until an action has been properly commenced. Petitioner will be provided the opportunity to file his petition, and to submit an application requesting leave to proceed in forma pauperis or to submit the appropriate filing fee.

In accordance with the above, IT IS HEREBY ORDERED that:

1. Petitioner is granted thirty days from the date of service of this order to file a petition that complies with the requirements of the Civil Rights Act, the Federal Rules of Civil

1 Procedure, and the Local Rules of Practice; the petition must bear the docket number assigned
2 this case; petitioner must file an original and two copies of the petition. Petitioner shall also
3 submit, within thirty days from the date of this order, the application to proceed in forma
4 pauperis on the form provided by the Clerk of Court, or the filing fee in the amount of \$5.00.
5 Petitioner's failure to comply with this order will result in a recommendation that this matter be
6 dismissed; and

7 2. The Clerk of the Court is directed to send petitioner the court's form for filing
8 a petition for writ of habeas corpus, and the application to proceed in forma pauperis by a
9 prisoner.

10 DATED: April 20, 2006.

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13 _____
14 DALE A. DROZD
15 UNITED STATES MAGISTRATE JUDGE

13 DAD:bb/4
14 mart0831.nopet