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

VIMLESH DUTT,

Petitioner,

No. CIV S-06-1571 DFL DAD P

vs.

DEPARTMENT OF HOMELAND
SECURITY, et al.,

Respondents.

ORDER

_____/

Petitioner is a lawful permanent resident of the United States detained by the Bureau of Immigration and Customs Enforcement (“BICE”) pursuant to an automatic stay of an immigration judge’s decision granting bail. At the present time, petitioner is confined in the Yuba County Jail pending further proceedings. He seeks release from confinement by means of a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner has not paid the \$5.00 fee for filing a habeas petition and has not submitted an application to proceed in forma pauperis. See 28 U.S.C. §§ 1914(a) & 1915(a).

Petitioner will be granted twenty days to pay the filing fee or submit an application to proceed in forma pauperis. If petitioner intends to request appointment of counsel in this matter, petitioner should file an in forma pauperis application even if he pays the \$5.00 filing fee.

1 In his petition, which is dated July 4, 2006, petitioner states that a custody hearing
2 is scheduled for July 17, 2006. (Pet. at 5 & Ex. F.) If petitioner has now been released on bail,
3 petitioner should notify the court immediately and request that this action be dismissed as moot.

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

5 1. Petitioner is granted twenty days from the date of this order to submit the \$5.00
6 filing fee or an application to proceed in forma pauperis, or both; failure to respond to this order
7 will result in a recommendation that this case be dismissed without prejudice;

8 2. The Clerk of the Court is directed to send petitioner a form application to
9 proceed in forma pauperis for use by a prisoner in a habeas corpus proceeding; and

10 3. In light of the fact that petitioner's immigration case was set for hearing in San
11 Francisco on July 17, 2006, the Clerk of the Court is directed to serve this order and an in forma
12 pauperis application form upon petitioner at his address of record in the Yuba County Jail and at
13 the alternative address provided by petitioner in his petition at page 17: Vimlesh Dutt, 7345 East
14 Parkway, Sacramento, CA 95823.

15 DATED: July 21, 2006.

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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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