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

DENNIS RAY HOWIE,

Petitioner,

No. CIV S-07-453 FVS DAD P

vs.

RICHARD SUBIA,

Respondent.

ORDER

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Petitioner is a state prisoner proceeding through counsel with a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner paid the filing fee for this action. By order dated October 29, 2010, this matter was referred by the assigned district judge to the undersigned for purposes of conducting an evidentiary hearing and issuing such orders and subpoenas as necessary to secure the attendance of the petitioner and essential witnesses. The evidentiary hearing was scheduled for December 8, 2010

On November 4, 2010, petitioner filed a motion and an amended motion to proceed in forma pauperis, along with a declaration by counsel in which counsel stated that the motion was being pursued in order to seek the court’s assistance in securing the attendance of necessary witnesses at the evidentiary hearing. Examination of the in forma pauperis application and counsel’s declaration reveals that petitioner is unable to afford the costs of suit.

1 Accordingly, the application to proceed in forma pauperis will be granted. See 28 U.S.C.  
2 § 1915(a).

3 In accordance with the above, IT IS HEREBY ORDERED that petitioner's  
4 application to proceed in forma pauperis (Doc. Nos. 23, 24 ) is granted.

5 DATED: November 9, 2010.

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9 DALE A. DROZD  
10 UNITED STATES MAGISTRATE JUDGE

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