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

PATRICK DEAN PEARSON,

No. CIV S-07-2071-MCE-CMK-P

Petitioner,

vs.

ORDER

D. SISTO,

Respondent.

_____ /

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has not, however, filed a proper application to proceed in forma pauperis or paid the required filing fee. See 28 U.S.C. §§ 1914(a), 1915(a). Petitioner filed a pleading on October 2, 2007, entitled “Application to Proceed In Forma Pauperis by a Prisoner of Counsel.” That document, however, fails to make the necessary showing of inability to pay. In addition, petitioner has not submitted a “. . . certification from the warden or other appropriate officer of the place of confinement showing the amount of money or securities that the petitioner has in any account in the institution” as required by Rule 3(a)(2) of the Federal Rules Governing Section 2254 Cases. Petitioner will be provided the opportunity to submit either a completed application to proceed in forma pauperis

1 or the appropriate filing fee. Petitioner is warned that failure to comply with this order may
2 result in the dismissal of this action. See Local Rule 11-110.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Petitioner shall submit on the form provided by the Clerk of the Court,
5 within 30 days from the date of this order, a complete application for leave to proceed in forma
6 pauperis, or the appropriate filing fee; and

7 2. The Clerk of the Court is directed to send petitioner a new form
8 Application to Proceed In Forma Pauperis By a Prisoner.

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10 DATED: October 4, 2007

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12 **CRAIG M. KELLISON**
13 UNITED STATES MAGISTRATE JUDGE
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