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

PHILLIP VILLANUEVA,

Petitioner,

No. CIV S-07-2281 WBS EFB P

vs.

MIKE EVANS, et al.,

Respondents.

ORDER

_____ /

Petitioner, a prisoner without counsel, has filed a petition for a writ of habeas corpus.

See 28 U.S.C. § 2254.

A petitioner seeking a writ of habeas corpus either must pay the \$5.00 filing fee, *see* 28 U.S.C. § 1914(a), or request leave of court to proceed *in forma pauperis*, 28 U.S.C. § 1915(a).

Petitioner has filed a *in forma pauperis* application that is incomplete in that it lacks a certified copy of petitioner’s trust account statement for the six-month period immediately preceding the filing of this action. Within 30 days from the day this order is served, petitioner may submit either the filing fee or a certified copy of his trust account statement as required by section 1915(a). Petitioner’s failure to comply with this order will result in a recommendation that this

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1 action be dismissed. The Clerk of the Court is directed to mail to petitioner a form application
2 for leave to proceed *in forma pauperis*.

3 So ordered.

4 Dated: November 1, 2007.



EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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