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

10 MALACHI FLOYD,

11 Petitioner,

No. CIV S-08-0094 MCE KJM P

12 vs.

13 G.J. GIURBINO, et al.,

14 Respondents.

ORDER

15 _____/
16 Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of
17 habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has not, however, filed an in forma
18 pauperis affidavit or paid the required filing fee (\$5.00). See 28 U.S.C. §§ 1914(a), 1915(a).
19 Petitioner will be provided the opportunity to either submit the appropriate affidavit in support of
20 a request to proceed in forma pauperis or submit the appropriate filing fee.

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

22 1. Petitioner shall submit, within thirty days from the date of this order, an
23 affidavit in support of his request to proceed in forma pauperis or the appropriate filing fee;
24 petitioner's failure to comply with this order will result in the dismissal of this action; and

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1 2. The Clerk of the Court is directed to send petitioner a copy of the in forma
2 pauperis form used by this district.

3 DATED: February 1, 2008.

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5 _____
6 U.S. MAGISTRATE JUDGE

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