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

THOMAS SHIVES,

Petitioner,

No. CIV S-08-1548 EFB

vs.

D. K. SISTO, Warden,

Respondent.

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 neither paid the fee nor submitted an application for leave to proceed *in forma pauperis*.

Within 30 days from the day this order is served, petitioner may submit either the filing fee or the application required by section 1915(a). Petitioner’s failure to comply with this order may result in this action being dismissed.

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

So ordered.

Dated: April 1, 2009.



EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE