

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

JAVIER MIRANDA,

Petitioner,

No. CIV S-08-3147 KJM P

vs.

R.L. BARNES, Warden,

Respondent.

ORDER

_____ /

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

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

1. Petitioner’s application to proceed in forma pauperis (Docket No. 2) is denied without prejudice;
2. Petitioner shall submit, within thirty days from the date of this order, an affidavit in support of his request to proceed in forma pauperis or the appropriate filing fee; petitioner's failure to comply with this order will result in the dismissal of this action; and

1 3. 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: January 8, 2009.

4 
5 _____
6 U.S. MAGISTRATE JUDGE

7 /mp
8 mira3147.101a
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26