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

CORBY SARGENT,

Petitioner,

No. CIV S-08-3157 EFB P

vs.

MICHAEL MARTELL,

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

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

3 So ordered.

4 DATED: January 7, 2009.

  
5 EDMUND F. BRENNAN  
6 UNITED STATES MAGISTRATE JUDGE  
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