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

TIMOTHY DONALD HERTZIG, No. CIV S-09-0002-CMK-P

Petitioner,

vs.

ORDER

JAEMS YATES, et al.,

Respondents.

_____ /

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the court is petitioner’s request for leave to proceed in forma pauperis (Doc. 8). Petitioner’s petition will be addressed separately.

Petitioner has submitted the affidavit required by 28 U.S.C. § 1915(a) showing that petitioner is unable to prepay fees and costs or give security therefor.

Accordingly, IT IS HEREBY ORDERED that petitioner’s motion for leave to proceed in forma pauperis (Doc. 8) is granted.

DATED: February 5, 2009



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE