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

10 JIMMY RAY GUYTON,

11 Petitioner,

No. CIV S-09-0107 DAD P

12 vs.

13 M. MARTEL, Warden,

14 Respondent.

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:

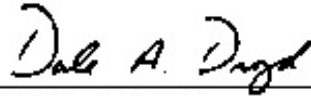
22 1. Petitioner shall submit, within thirty days from the date of this order, an
23 affidavit in support of his request to proceed in forma pauperis or the appropriate filing fee;
24 petitioner's failure to comply with this order will result in the dismissal of this action; and

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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: January 16, 2009.

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6 _____
7 DALE A. DROZD
8 UNITED STATES MAGISTRATE JUDGE

7 DAD:mp
8 guyt0107.101a