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

GREGORY ANTHONY POWELL,

Petitioner,  
vs.

No. CIV S-09-1598 EFB P

D. L. RUNNELS, Warden,

Respondent.

ORDER

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Petitioner, a prisoner without counsel, has filed a petition for a writ of habeas corpus. *See* 28 U.S.C. § 2254. This case is before the court following transfer by the United States District Court for the Northern District of California on June 5, 2009. Dckt. No. 5. While the case was still in the Northern District, petitioner sought leave proceed *in forma pauperis*, 28 U.S.C. § 1915(a). However, that court informed petitioner that his application to so proceed was deficient in that it failed to include a Certificate of Funds in Prisoner’s Account, completed and signed by an authorized prison official or a copy of petitioner’s trust account statement showing transactions for the six months preceding the filing of the petition. Dckt. No. 4; *see* 28 U.S.C. § 1915(a)(2).

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1 Pursuant 28 U.S.C. § 1915(a), Rule 3(a)(2) of the Federal Rules Governing § 2254 Cases  
2 requires a habeas petitioner to submit “. . . certification from the warden or other appropriate  
3 officer of the place of confinement showing the amount of money or securities that the petitioner  
4 has in any account in the institution.” This requirement may be satisfied by having the  
5 appropriate prison official complete the certificate portion of the form application or by  
6 submitting a certified copy of petitioner’s prison trust account statement. Petitioner has not filed  
7 an *in forma pauperis* application complying with 28 U.S.C. § 1915(a) and Rule 3(a)(2).

8 Accordingly, within 30 days from the day this order is served, petitioner may submit  
9 either the \$5 filing fee or a complete affidavit as required by § 1915(a). Petitioner’s failure to  
10 comply with this order will result in dismissal. The Clerk of the Court is directed to mail to  
11 petitioner a form application for leave to proceed *in forma pauperis*.

12 So ordered.

13 Dated: June 17, 2010.

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EDMUND F. BRENNAN  
15 UNITED STATES MAGISTRATE JUDGE  
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