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

MICHAEL JOEL BROWN,

Petitioner,

No. CIV S-09-1633 KJM P

vs.

ROBERT A. HOREL, et al.,

Respondents.

ORDER

_____ /

Petitioner, a state prisoner proceeding pro se, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with an application to proceed in forma pauperis.

Examination of the in forma pauperis application reveals that petitioner is unable to afford the costs of suit. Accordingly, the application to proceed in forma pauperis will be granted. See 28 U.S.C. § 1915(a).

On March 16, 2009, petitioner filed a motion requesting leave to file an amended petition. Pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, petitioner’s motion will be granted. Petitioner will be granted thirty days within which to file his amended petition. Failure to file an amended petition within thirty days will result in dismissal.

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

1. Petitioner's application to proceed in forma pauperis is granted;
2. Petitioner's request for leave to file an amended application for writ of habeas corpus is granted;
3. Petitioner is granted thirty days within which to file an amended application for writ of habeas corpus; and
4. The Clerk of the Court is directed to send petitioner the court's form-application for writ of habeas corpus under 28 U.S.C. § 2254.

DATED: February 11, 2010.



U.S. MAGISTRATE JUDGE

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