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

JERRY BRIGHT,

Petitioner,

No. CIV S-09-1774 JAM DAD P

vs.

JOHN W. HAVILAND,

Respondent.

ORDER

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Petitioner, a state prisoner proceeding pro se, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. In accordance with the court’s July 15, 2009 order, petitioner has also filed an application to proceed in forma pauperis.<sup>1</sup>

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).

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<sup>1</sup> On August 27, 2009, the court issued findings and recommendations, recommending dismissal of this action due to petitioner’s failure to either pay the filing fee or file an application to proceed in forma pauperis. On September 4, 2009, petitioner filed objections to the findings and recommendations, together with an application to proceed in forma pauperis. Good cause appearing, the court will vacate its findings and recommendations and allow the case to proceed in accordance with this order.

