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

JAMES COVERT, JR.,

Petitioner,

No. CIV S-09-2029 GGH P

vs.

JAMES YATES, et al.,

Respondents.

ORDER

_____ /

Petitioner is a state prisoner proceeding pro se with a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the court is petitioner’s 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).

Accordingly, IT IS HEREBY ORDERED that petitioner’s application to proceed in forma pauperis (no. 7) is granted.

DATED: September 8, 2009

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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