

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

LAMAR WHATLEY,

Petitioner,

No. CIV S-09-2105 GGH P

VS.

MIKE EVANS,

Respondent.

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. On August 10, 2009, the undersigned ordered that respondents file a response and that petitioner file an application to proceed in forma pauperis. Petitioner filed a application to proceed in forma pauperis on August 18, 2009

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).

In accordance with the above, IT IS HEREBY ORDERED that

1. Plaintiff's request for leave to proceed in forma pauperis is granted.

DATED: August 31, 2009

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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