| (HC) Villasenor v. Martell | | |
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| 8 | IN THE LIN | ITED STATES DISTRICT COURT |
| 9 | FOR THE EASTERN DISTRICT OF CALIFORNIA | |
| 10 | ANTONIO V. VILLASENOR, | |
| 10 | Petitioner, | No. CIV S-09-2324 FCD EFB P |
| 12 | | No. CIV 3-09-2324 PCD EPB F |
| | VS. | |
| 13 14 | MICHAEL MARTEL, | ODDED |
| 15 | Respondent. | <u>ORDER</u> |
| 16 | Detitionen a maisonen without | council has filed a matition for a special of habous compute |
| | Petitioner, a prisoner without counsel, has filed a petition for a writ of habeas corpus. | |
| 17 | See 28 U.S.C. § 2254. A petitioner seeking a writ of habeas corpus either must pay the \$5.00 filing for see 28 U.S.C. § 1014(a) or request leave of court to proceed in forms nauporis. | |
| 18 | filing fee, see 28 U.S.C. § 1914(a), or request leave of court to proceed in forma pauperis, 28 | |
| 19 20 | U.S.C. § 1915(a). In this action, petitioner has neither paid the fee nor submitted an application | |
| | for leave to proceed <i>in forma pauperis</i> . Notwithstanding the facts explained in petitioner's | |
| 21 | motion seeking clarification and correction of the record, petitioner must submit either the filing | |
| 22 | fee or the application required by section 1915(a) in this action. | |
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Petitioner must comply with this order within 30 days from the day it is served. Petitioner's failure to comply with this order will result in a recommendation that this action be dismissed. The Clerk of the Court is directed to mail to petitioner a form application for leave to proceed *in forma pauperis* and to terminate docket entry 7.

So ordered.

Dated: May 6, 2010.

EDMUND F. BRENNAN

UNITED STATES MAGISTRATE JUDGE