

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

CLIFTON MILLBROOK,

Petitioner, No. CIV S-09-2413 KJM P

VS.

PEOPLE OF THE STATE OF
CALIFORNIA,

Respondent. **ORDER**

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has not, however, filed an in forma pauperis affidavit or paid the required filing fee (\$5.00). See 28 U.S.C. §§ 1914(a), 1915(a). Petitioner will be provided the opportunity to either submit the appropriate affidavit in support of a request to proceed in forma pauperis or submit the appropriate filing fee.

In accordance with the above, IT IS HEREBY ORDERED that

1. Petitioner shall submit, within thirty days from the date of this order, an affidavit in support of his request to proceed in forma pauperis or the appropriate filing fee; petitioner's failure to comply with this order will result in the dismissal of this action; and

11111

2. The Clerk of the Court is directed to send petitioner a copy of the in forma pauperis form used by this district.

DATED: September 10, 2009.

U.S. MAGISTRATE JUDGE

1/md
mill2413.101a