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

NOEL PHILLIPE SCOTT,

Petitioner,

No. CIV S-09-2830 GGH P

vs.

JOHN W. HAVILAND, Warden,

Respondent.

ORDER

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By order, filed on September 22, 2010, respondent’s motion to dismiss the petition as untimely was denied and a further briefing schedule was set. However, the court’s review of the docket indicates that petitioner, despite being ordered to do so in an order filed on October 30, 2009, and then being granted an extension of time to do so, by an order filed on November 24, 2009, has yet either to file an in forma pauperis affidavit or to pay the required filing fee (\$5.00). See 28 U.S.C. §§ 1914(a); 1915(a). Petitioner will be provided one final opportunity either to submit the appropriate affidavit in support of a request to proceed in forma pauperis or the appropriate filing fee.

In accordance with the above, IT IS HEREBY ORDERED that:

1. Petitioner shall submit, within twenty-eight 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;

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