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6	IN THE UNITED STATES DISTRICT COURT
7	FOR THE EASTERN DISTRICT OF CALIFORNIA
8	NOEL PHILLIPE SCOTT,
9	Petitioner, No. CIV S-09-2830 GGH P
10	VS.
11	JOHN W. HAVILAND, Warden,
12	Respondent. <u>ORDER</u>
13	/
14	By order, filed on September 22, 2010, respondent's motion to dismiss the
15	petition as untimely was denied and a further briefing schedule was set. However, the court's
16	review of the docket indicates that petitioner, despite being ordered to do so in an order filed on
17	October 30, 2009, and then being granted an extension of time to do so, by an order filed on
18	November 24, 2009, has yet either to file an in forma pauperis affidavit or to pay the required
19	filing fee (\$5.00). See 28 U.S.C. §§ 1914(a); 1915(a). Petitioner will be provided one final
20	opportunity either to submit the appropriate affidavit in support of a request to proceed in forma
21	pauperis or the appropriate filing fee.
22	In accordance with the above, IT IS HEREBY ORDERED that:
23	1. Petitioner shall submit, within twenty-eight days from the date of this order, an
24	affidavit in support of his request to proceed in forma pauperis or the appropriate filing fee;
25	petitioner's failure to comply with this order will result in the dismissal of this action;
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1	2. The Clerk of the Court is directed once again to send petitioner a copy of the in
2	forma pauperis form used by this district; and
3	3. Petitioner is cautioned that he will be granted no further extension of time to
4	comply with this order.
5	DATED: September 30, 2010
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7	/s/ Gregory G. Hollows
8	GREGORY G. HOLLOWS UNITED STATES MAGISTRATE JUDGE
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