

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 BRIAN TOMASELLO,

11 Petitioner,

No. CIV S-10-0166 EFB P

12 vs.

13 J.W. HAVILAND,

14 Respondent.

ORDER

15 _____/
16 Petitioner, a prisoner without counsel, has filed a petition for a writ of habeas corpus.
17 See 28 U.S.C. § 2254.

18 A petitioner seeking a writ of habeas corpus either must pay the \$5.00 filing fee, *see* 28
19 U.S.C. § 1914(a), or request leave of court to proceed *in forma pauperis*, 28 U.S.C. § 1915(a).

20 Petitioner has submitted an application for leave to proceed *in forma pauperis*. Dckt. No.
21 5. The application, however, fails to comply with 28 U.S.C. § 1915(a)(1), which requires “a
22 statement of all assets such prisoner possesses.” Petitioner has submitted the form affidavit, but
23 has not filled out the form.

24 Within 30 days from the day this order is served, petitioner may submit either the filing
25 fee or the complete application required by section 1915(a). Petitioner’s failure to comply with

26 ///

1 this order will result in a recommendation that this action be dismissed. The Clerk of the Court
2 is directed to mail to petitioner a form application for leave to proceed *in forma pauperis*.

3 So ordered.

4 Dated: June 29, 2010.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE