

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

BRIAN TOMASELLO,

Petitioner,

No. CIV S-10-0166 EFB P

VS.

J.W. HAVILAND,

## Respondent.

## ORDER

Petitioner, a prisoner without counsel, has filed a petition for a writ of habeas corpus.

*See 28 U.S.C. § 2254.*

A petitioner seeking a writ of habeas corpus either must pay the \$5.00 filing fee, *see 28*

U.S.C. § 1914(a), or request leave of court to proceed *in forma pauperis*, 28 U.S.C. § 1915(a).

Petitioner has submitted an application for leave to proceed *in forma pauperis*. Dckt. No. \_\_\_\_\_

5. The application, however, fails to comply with 28 U.S.C. § 1915(a)(1), which requires “a statement of all assets such prisoner possesses.” Petitioner has submitted the form affidavit, but has not filled out the form.

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

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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.

  
5 EDMUND F. BRENNAN  
6 UNITED STATES MAGISTRATE JUDGE

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