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

MARK EDWARD BENNETT,

Petitioner,

No. CIV S-10-0214 DAD P

vs.

KEN CLARK, et al.,

Respondents.

ORDER

_____ /

Petitioner is a state prisoner proceeding pro se with a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has filed an application requesting leave to proceed in forma pauperis.

Examination of the in forma pauperis application reveals that petitioner is unable to afford the costs of suit. Accordingly, the application to proceed in forma pauperis will be granted. See 28 U.S.C. § 1915(a).

Petitioner has not filed a habeas petition using the form petition authorized by this court. Instead, petitioner has merely filed a copy of the habeas petition that he filed with the U.S. Court of Appeals. Therefore, the court will order petitioner to file an amended habeas petition, using the form petition provided by the court.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Petitioner's March 1, 2010 application to proceed in forma pauperis (Doc. No.
3 6) is granted;

4 2. Petitioner is granted thirty days from the date of service of this order to file an
5 amended petition that complies with the requirements of the Federal Rules of Civil Procedure;
6 the amended petition must bear the docket number assigned this case and must be labeled
7 "Amended Petition;" petitioner shall use the form petition provided by the Clerk of the Court and
8 answer each question in the form petition; petitioner's failure to file an amended petition in
9 accordance with this order will result in the dismissal of this action; and

10 3. The Clerk of the Court is directed to provide petitioner with the court's form
11 petition for a writ of habeas corpus.

12 DATED: August 4, 2010.

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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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