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

JOHNNY CLIFFORD JACKSON,

Petitioner,

No. CIV S-10-0494 EFB P

vs.

G. SWARTHOUT,

Respondent.

ORDER

\_\_\_\_\_ /

Petitioner, a prisoner without counsel, has filed a petition for a writ of habeas corpus. *See* 28 U.S.C. § 2254. He seeks return of the \$5.00 filing fee he has paid in this action.

This court previously declined to grant petitioner leave to proceed in forma pauperis due to deficiencies in his application papers. Dckt. No. 6. However, the court takes judicial notice of Case No. CIV S-10-0504 GEB DAD P and the application and supporting documents filed therein, in which the court granted petitioner leave to proceed in forma pauperis on March 23, 2010. Based on that order, the court now grants petitioner leave to proceed in forma pauperis and orders refund of the \$5.00 filing fee.

Accordingly, it is hereby ORDERED that:

- 1. Petitioner’s March 2, 2010 request to proceed in forma pauperis is granted;

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2. Petitioner's November 2, 2010 request that his \$5.00 filing fee be refunded is granted;

and

3. The Clerk is directed to serve a copy of this order on the Financial Department.

So ordered.

Dated: December 8, 2010.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE