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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.

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 to proceed *in forma pauperis*. Pursuant 28 U.S.C. § 1915(a), Rule 3(a)(2) of the Federal Rules Governing § 2254 Cases requires a habeas petitioner to submit “. . . certification from the warden or other appropriate officer of the place of confinement showing the amount of money or securities that the petitioner has in any account in the institution.” This requirement may be satisfied by having the appropriate prison official complete the certificate portion of the form application or by submitting a certified copy of petitioner’s prison trust account statement. Petitioner’s *in forma pauperis* application is

1 deficient, because petitioner has not submitted a certification showing the amount of money in
2 his prison trust account, completed and signed by an authorized prison official, or a certified
3 copy of his trust account statement showing transactions for the six months preceding the filing
4 of the petition. Dckt. No. 2; *see* 28 U.S.C. § 1915(a)(2).

5 Accordingly, within 30 days from the day this order is served, petitioner may submit
6 either the \$5 filing fee or a complete affidavit as required by § 1915(a). Petitioner's failure to
7 comply with this order will result in dismissal. The Clerk of the Court is directed to mail to
8 petitioner a form application for leave to proceed *in forma pauperis*.

9 So ordered.

10 Dated: July 19, 2010.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE