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

10 JOHNNY CLIFFORD JACKSON,

11 Petitioner,

No. CIV S-10-0504 GEB DAD P

12 vs.

13 G. SWARTHOUT,

14 Respondent.

ORDER

15 _____/
16 Petitioner is a state prisoner proceeding pro se with a petition for a writ of habeas
17 corpus pursuant to 28 U.S.C. § 2254. On March 23, 2010, the court granted petitioner leave to
18 proceed in forma pauperis; subsequently, petitioner submitted the \$5.00 filing fee, erroneously
19 believing that payment of the filing fee was necessary to avoid dismissal of his federal habeas
20 action. Petitioner now asks that the filing fee be refunded.¹

21 Accordingly, IT IS HEREBY ORDERED that:

22 1. Petitioner's October 1, 2010 request that his \$5.00 filing fee be refunded (Doc.
23 No. 23) is granted; and
24 _____

25 ¹ Petitioner also requests that the \$5.00 filing fee submitted in Case No. CIV S-10-0494
26 GEB EFB P, be refunded. However, the undersigned can only issue orders in cases where he is
the assigned magistrate judge. Petitioner is directed to file a separate request in his other case if
he wishes to seek a refund of that filing fee.

1 2. The Clerk of the Court is directed to provide a copy of this order to the
2 Financial Department.

3 DATED: October 25, 2010.

6 DAD:4
7 jack0504.refund

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7 DALE A. DROZD
8 UNITED STATES MAGISTRATE JUDGE
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