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

PAUL WINFIELD,

Petitioner,

No. CIV S-10-1626 EFB P

vs.

RICHARD PARKS, et al.,

Respondents.

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 neither paid the fee nor submitted an application for leave to proceed *in forma pauperis*.

On July 15, 2010, the court ordered petitioner to submit either the filing fee or the application required by section 1915(a) within 30 days, and warned petitioner that his failure to comply with this order would result in a recommendation that this action be dismissed. On August 5, 2010, petitioner filed a letter stating that he had tried to get the certificate filled out but was “having a hard time.” The court granted petitioner an additional 30 days to comply with the

1 court's July 15, 2010 order, but plaintiff neither paid the fee nor filled out the certificate.  
2 Petitioner filed two letters stating that "they don't seem to want to fill the certificate out  
3 verifying what I have on the books but you can go ahead and take the 50 dollar filing fee for the  
4 [w]rit of habeas corpus off of my account." Dckt. No. 7 at 2. His second letter asks the court to  
5 "prosecute" three individuals who he alleges have slandered him, falsely accused him of battery,  
6 and discriminated against him in denying him parole. Dckt. No. 8. He also states that an officer  
7 told him that she threw the certificate away. *Id.*

8 The court grants petitioner one last chance to submit the filing fee or the application  
9 required by 1915(a). Failure to comply with this order will result in a recommendation that this  
10 action be dismissed.

11 It is hereby ORDERED that:

12 1. Within 14 days of the date of this order, petitioner shall submit either the filing fee or  
13 the application required by section 1915(a); and

14 2. The Clerk of the Court is directed to mail to petitioner another form application for  
15 leave to proceed *in forma pauperis*.

16 DATED: October 7, 2010.

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18 EDMUND F. BRENNAN  
19 UNITED STATES MAGISTRATE JUDGE  
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