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

DAVID EARL GRAY,

Petitioner,

No. CIV S-10-2463 EFB P

vs.

GARY 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 filed an application for leave to proceed *in forma pauperis*, but his affidavit is not signed.

Within 30 days from the day this order is served, petitioner may submit either the filing fee or a properly completed application required by section 1915(a). Petitioner’s failure to comply with this order will result in a recommendation that this action be dismissed.

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

So ordered.

DATED: September 17, 2010.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE