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

CHRISTOPHER CERVANTES,

Petitioner,

No. 2:10-cv-2906 KJN P

vs.

McDONALD,

Respondent.

ORDER

_____/

Petitioner, a state prisoner proceeding without counsel, has filed a first amended petition as required by this court’s November 14, 2010 order. However, that order also required petitioner to either pay the required filing fee or file an application requesting leave to proceed in forma pauperis. See 28 U.S.C. §§ 1914(a), 1915(a). Petitioner has failed to do either. This court cannot address the amended petition or petitioner’s pending motion for stay until petitioner has complied with the above-referenced statutes. Petitioner will be provided one final opportunity to submit an application requesting leave to proceed in forma pauperis or to submit the appropriate filing fee. If petitioner does not submit the application or pay the filing fee, this case will be dismissed.


In accordance with the above, IT IS HEREBY ORDERED that:

1. Petitioner is granted twenty-one days from the date of service of this order to

1 submit, within twenty-one days from the date of this order, the application to proceed in forma
2 pauperis on the form provided by the Clerk of Court, or the filing fee in the amount of \$5.00.
3 Petitioner's failure to comply with this order will result in the dismissal of this action.

4 3. The Clerk of the Court is directed to send petitioner the application to proceed
5 in forma pauperis by a prisoner.

6 DATED: December 9, 2010

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10 KENDALL J. NEWMAN
11 UNITED STATES MAGISTRATE JUDGE

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