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

GABRIEL BENJAMIN JOHNSON,

Plaintiff,

No. CIV S-10-3102 KJM P

vs.

LENNY BOYER,

Defendant.

ORDER

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Plaintiff is a federal pretrial detainee being held at Butte County Jail. He filed this action, which uses the state form for a petition for a writ of habeas corpus, in the pending criminal action. On November 17, 2010, the Honorable Garland E. Burrell ordered it filed as a separate civil action.

In the petition, plaintiff challenges certain conditions at the Butte County Jail; the court thus treats it as a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has not, however, filed an in forma pauperis affidavit or paid the required filing fee. See 28 U.S.C. §§ 1914(a), 1915(a). Plaintiff will be provided the opportunity either to submit the appropriate affidavit in support of a request to proceed in forma pauperis or to submit the appropriate filing fee.

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

1. Plaintiff shall submit, within thirty days from the date of this order, an affidavit in support of his request to proceed in forma pauperis on the form provided by the Clerk of Court, or the appropriate filing fee; plaintiff's failure to comply with this order will result in the dismissal of this action; and

2. The Clerk of the Court is directed to send plaintiff a new Application to Proceed In Forma Pauperis By a Prisoner.

DATED: December 6, 2010.

  
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U.S. MAGISTRATE JUDGE