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

VICTOR LOPEZ,

Petitioner,

No. 2:10-cv-3168 KJN P

vs.

S.M. SALINAS, Warden,

Respondent.

ORDER

\_\_\_\_\_ /

Petitioner, a state prisoner proceeding without counsel, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with an application to proceed in forma pauperis.

Examination of the in forma pauperis application reveals that petitioner is unable to afford the costs of suit. Accordingly, the application to proceed in forma pauperis will be granted. See 28 U.S.C. § 1915(a).

Examination of the petition for writ of habeas corpus, which appears to challenge a 2009 decision of the Board of Parole Hearings, demonstrates that the petition is incomplete. Page Five of the submitted form petition, which is structured to set forth petitioner’s first and second claims for relief, has not been included; nor are petitioner’s claims set forth elsewhere in the petition. Petitioner will therefore be provided the opportunity to file an amended petition.

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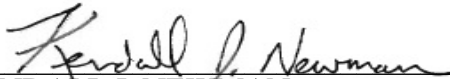
In accordance with the above, IT IS HEREBY ORDERED that:

1. Petitioner's application to proceed in forma pauperis (Dkt. No. 2) is granted;

2. The petition for writ of habeas corpus (Dkt. No. 1) is dismissed with leave to file an amended petition within thirty days after service of this order; and

3. The Clerk of Court is directed to send petitioner a copy of the form used in this district by prisoners to file a petition for writ of habeas corpus.

DATED: November 30, 2010

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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