

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

KIM ELLIS,

Petitioner,

No. CIV S-11-0207 DAD P

vs.

UNITED STATES OF AMERICA,

Respondent.

ORDER

\_\_\_\_\_ /

Petitioner, a federal prisoner proceeding pro se, has filed a petition for a writ of error audita querela and/or writ of error coram nobis pursuant to 28 U.S.C. § 1651. Petitioner has not, however, filed an in forma pauperis affidavit or paid the required filing fee (\$5.00). See 28 U.S.C. §§ 1914(a); 1915(a). Petitioner will be provided the opportunity to either submit the appropriate affidavit in support of a request to proceed in forma pauperis or submit the appropriate filing fee.

In addition, the court will also direct petitioner to submit a response to provide the following information with respect to his request for relief: (1) the date of petitioner’s judgment of conviction for possession of cocaine and cocaine base in violation of 21 U.S.C. § 841; (2) the date(s) of petitioner’s prior state convictions for felony drug offense(s); and (3) the type of action or actions (habeas, § 2255 motion, etc.) that petitioner previously filed challenging the federal

1 judgment of conviction challenged here, including the court in which any such action was filed,  
2 the date of judgment, and disposition of the action.

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

4 1. Petitioner shall submit, within thirty days from the date of this order, an  
5 affidavit in support of his request to proceed in forma pauperis or the appropriate filing fee;  
6 petitioner's failure to comply with this order will result in the dismissal of this action;

7 2. Within thirty days from the date of this order, petitioner shall file a response to  
8 the inquiries set forth above; and

9 3. The Clerk of the Court is directed to send petitioner a copy of the in forma  
10 pauperis form used by this district.

11 DATED: November 2, 2011.

12  
13   
14 \_\_\_\_\_  
15 DALE A. DROZD  
16 UNITED STATES MAGISTRATE JUDGE

16 DAD:md/4  
17 elli0207.101a