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

JOSH C. HUGGINS,

Plaintiff,

No. CIV S-11-2851 WBS GGH P

vs.

SOLANO COUNTY SHERIFF'S  
DEPARTMENT,

Defendants.

Amended ORDER

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By order filed January 18, 2012, plaintiff was ordered to file an in forma pauperis affidavit or to pay the appropriate filing fee within thirty days and was cautioned that failure to do so would result in dismissal of this action. That order was returned as undeliverable. By order filed on February 15, 2011, plaintiff's complaint was dismissed with leave to amend in the form of a habeas corpus petition within twenty-eight days. However, within the Feb. 15, 2011, order, although it was correctly stated that the court had not yet ruled on plaintiff's request to proceed in forma pauperis, it was erroneously indicated that plaintiff had submitted a declaration that made the showing required by 28 U.S.C. § 1915(a). Moreover, it has now come to the court's attention that both of these orders were not served upon plaintiff's correct address.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. In addition to serving this order, the Clerk of the Court is to re-serve the orders  
3 at docket # 6 and docket # 7 upon plaintiff/petitioner at the address identified on the complaint at  
4 docket # 1;

5 2. No ruling has issued permitting plaintiff/petitioner to proceed in forma  
6 pauperis at this time and the portion of the order at docket # 7, filed on February 15, 2012,  
7 indicating that plaintiff had submitted the declaration that made the requisite showing required  
8 under 28 U.S.C.§ 1915(a), and only that portion, is hereby vacated;

9 3. Plaintiff, as petitioner, now has twenty-eight days from the date of this order to  
10 submit an affidavit in support of a request to proceed in forma pauperis or to pay the appropriate  
11 filing fee, and he has twenty-eight days to file a habeas corpus petition, his complaint having  
12 been dismissed for the reasons set forth in the order, filed on February 15, 2012 (docket # 7); and

13 4. Plaintiff/petitioner's failure to comply with any part of this order will result in  
14 a recommendation of dismissal of this action.

15 DATED: February 22, 2012

16 /s/ Gregory G. Hollows  
17 UNITED STATES MAGISTRATE JUDGE

17 GGH:009  
18 hugg2851.ord

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