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

GARY L. BUNN,

Petitioner,

No. 2:13-cv-0438 CKD P

vs.

M. KAPLAN,

Respondent.

ORDER

_____ /

Petitioner, a California prisoner at the California Medical Facility, has filed what appears to be a petition for collateral relief addressed to the California Court of Appeal. If petitioner intended to file an application for writ of habeas corpus under 28 U.S.C. § 2254, he must file the application on the proper form. He must also 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 will be provided the opportunity to: 1) file an application for writ of habeas corpus under 28 U.S.C. § 2254 on the proper form; and 2) submit an application requesting leave to proceed in forma pauperis or submit the appropriate filing fee. If petitioner intended to file a petition for collateral relief in the California Court of Appeal he should submit his petition to that court and he need not take any further action here.

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

2 1. Petitioner is granted 21 days from the date of service of this order to file an
3 application for writ of habeas corpus under 28 U.S.C. § 2254 on the form provided by the Clerk
4 of the Court. Petitioner must file an original and two copies of the petition. Petitioner is also
5 granted 21 days to submit a completed application to proceed in forma pauperis on the form
6 provided by the Clerk of Court, or the filing fee in the amount of \$5.00. Petitioner's failure to
7 provide the court with the items described above within 21 days will result in dismissal.

8 2. The Clerk of the Court is directed to send petitioner the court's form for filing
9 a petition for writ of habeas corpus, and the application to proceed in forma pauperis by a
10 prisoner.

11 Dated: March 8, 2013

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13 CAROLYN K. DELANEY
14 UNITED STATES MAGISTRATE JUDGE

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