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

JAMES T. MABBS,

Petitioner,

No. 2:13-cv-0550 GGH P

vs.

M. D. BITER, Warden,

Respondent.

ORDER

\_\_\_\_\_ /

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. 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.

Petitioner has also failed to sign the petition. Pursuant to 28 U.S.C. § 2242, an application for a writ of habeas corpus “shall be in writing signed and verified by the person for whose relief it is intended or by someone acting in his behalf.” In addition, Rule 2(c) of the Rules Governing Section 2254 Cases in the United States District Court requires that the petition be signed under penalty of perjury by the petitioner or a person authorized under 28 U.S.C. § 2242 to sign it for petitioner. The Court “may refuse to file, or may dismiss, an unsigned and

1 unverified petition.” Hendricks v. Vasquez, 908 F.2d 490, 491 (9th Cir.1990) (citations  
2 omitted). Accordingly, the petition will be dismissed with leave to amend.

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 2. The petition is dismissed with leave to file a signed and verified amended  
7 petition within thirty days of this order. Petitioner's failure to comply with this order will result  
8 in dismissal of this action.

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, a form for filing a habeas petition, and a copy of the original  
11 petition for petitioner’s review.

12 DATED: April 3, 2013

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14 /s/ Gregory G. Hollows  
15 UNITED STATES MAGISTRATE JUDGE

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