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

CHRISTOPHER D. THOMPSON,

Petitioner,

No. 2:13-cv-0747 AC

vs.

SACRAMENTO MUNICIPAL
COURT,

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.

In addition, petitioner is advised that the exhaustion of available state remedies is a prerequisite to a federal court's consideration of claims sought to be presented in habeas corpus proceedings. See Rose v. Lundy, 455 U.S. 509 (1982); 28 U.S.C. § 2254(b). A petitioner can satisfy the exhaustion requirement by providing the highest state court with a full and fair opportunity to consider all claims before presenting them to the federal court. Picard v. Connor,

1 404 U.S. 270, 276 (1971), Middleton v. Cupp, 768 F.2d 1083, 1086 (9th Cir.), cert. denied, 478
2 U.S. 1021 (1986).

3 A review of the petition reflects the following: (1) petitioner was sentenced on
4 February 1, 2013, following his no contest plea to driving under the influence in violation of the
5 state's Vehicle Code; (2) petitioner did not appeal the conviction or sentence; (3) petitioner did
6 not seek review in the state Supreme Court; and (4) petitioner has not filed any other petitions,
7 application, or motions with respect to this conviction. See ECF No. 1 at 2, 5, 6. Petitioner also
8 does not have petition, appeal, or other matter pending in any court. Id. at 6. Further, petitioner
9 makes no allegation that state remedies are no longer available to him.

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

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

14 2. The Clerk of the Court is directed to send petitioner a copy of the in forma
15 pauperis form used by this district.

16 DATED: April 22, 2013.

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19 ALLISON CLAIRE
20 UNITED STATES MAGISTRATE JUDGE

21 AC:rb/thom0747.101a
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