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| 8 | UNITED STATES DISTRICT COURT | |
| 9 | FOR THE EASTERN DISTRICT OF CALIFORNIA | |
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| 11 | GENE WHITAKER, | No. 2:14-cv-0947 MCE KJN P |
| 12 | Petitioner, | |
| 13 | V. | <u>ORDER</u> |
| 14 | GARY SWARTHOUT, | |
| 15 | Respondent. | |
| 16 | | I |
| 17 | Petitioner, a state prisoner proceeding pro se, has filed a petition for a writ of habeas | |
| 18 | corpus pursuant to 28 U.S.C. § 2254. Petitioner has paid the filing fee. Petitioner has also filed a | |
| 19 | motion to proceed in forma pauperis. Because petitioner paid the filing fee, the motion to | |
| 20 | proceed in forma pauperis is denied as unnecessary. | |
| 21 | Attached to the petition as exhibits are documents related to petitioner's direct appeal and | |
| 22 | state habeas petitions. It appears that petitioner is raising all of the claims raised on direct appeal | |
| 23 | and in his state habeas petitions in the instant action. However, before the court directs | |
| 24 | respondent to respond to the petition, petitioner must clarify whether he is raising all of the claims | |
| 25 | raised in his direct appeal and state habeas petitions in the instant action. If petitioner is not | |
| 26 | raising all of these claims, he is directed to file an amended petition clarifying the claims he is | |
| 27 | raising. | |
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In accordance with the above, IT IS HEREBY ORDERED that: 1. Petitioner's motion to proceed in forma pauperis (ECF No. 2) is denied as unnecessary; 2. Within fourteen days of the date of this order, petitioner shall file a short statement informing the court whether he is raising all of the claims raised on direct appeal and in his state habeas petitions in the instant action; if petitioner is not raising all of these claims, he shall file an amended petition within that time clarifying the claims he is raising. Dated: May 15, 2014 whit0947.100fee UNITED STATES MAGISTRATE JUDGE