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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JUDGE CALLIES, III,  
Petitioner,  
v.  
ERIC ARNOLD, Warden,<sup>1</sup>  
Respondent.

No. 2:14-cv-01609 DAD P

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, together with a request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

Review of the petitioner’s in forma pauperis affidavit indicates that it is incomplete. Specifically, petitioner did not answer all of the questions, nor did he sign and date the affidavit, or provide a copy of his prison trust account statement for the six-month period preceding commencement of this action. See 28 U.S.C. § 1915(a)(2). Petitioner will be provided the opportunity to submit a complete in forma pauperis application and a certified copy of his prison

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<sup>1</sup> Petitioner has named both the “Warden” and the California Attorney General as respondents in this action. (See ECF No. 1 at 1.) The proper respondent in a petition for writ of habeas corpus is the state officer having physical custody of petitioner. Stanley v. California Supreme Court, 21 F.3d 359, 360 (9th Cir. 1994) (citing Rule 2(a), 28 U.S.C. foll. § 2254). Therefore, the only proper respondent in this action is Eric Arnold, Warden of California State Prison Solano.

1 trust account statement.

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

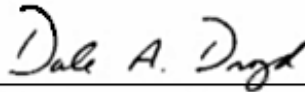
3 1. Petitioner shall submit, within thirty days after the filing date of this order, a completed  
4 affidavit in support of his request to proceed in forma pauperis, on the form provided herewith by  
5 the Clerk of Court.

6 2. The Clerk of the Court is directed to send petitioner, together with a copy of this order,  
7 a new Application to Proceed In Forma Pauperis By a Prisoner.

8 3. Petitioner shall, within thirty days after the filing date of this order, complete and sign  
9 the in forma pauperis application and file it in this court together with a certified copy of his  
10 prison trust account statement for the six-month period immediately preceding the  
11 commencement of this action.

12 4. Petitioner's failure to comply with this order will result in the dismissal of this action  
13 without prejudice.

14 Dated: September 27, 2014

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DALE A. DROZD  
17 UNITED STATES MAGISTRATE JUDGE

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