1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 J. DOUGLAS HALFORD, No. 2:14-cv-1827 AC P 12 Petitioner. 13 **ORDER** v. 14 THE PEOPLE, 15 Respondent. 16 17 Petitioner, a state prisoner at California Medical Facility has filed a document styled as a 18 "motion" seeking an extension of time to file an application for writ of habeas corpus. No other 19 pleadings have been filed by the petitioner. In order to commence an action, petitioner must file a 20 petition for writ of habeas corpus as required by Rule 3 of the Rules Governing Section 2254 21 cases, and petitioner must either pay the required filing fee or file an application requesting leave 22 to proceed in forma pauperis. See 28 U.S.C. §§ 1914(a), 1915(a). The court will not issue any 23 orders granting or denying relief until an action has been properly commenced. Therefore, 24 petitioner's motion will be denied without prejudice. Petitioner will be provided the opportunity 25 to file his petition, and to submit an application requesting leave to proceed in forma pauperis or 26 to submit the appropriate filing fee. 27 In accordance with the above, IT IS HEREBY ORDERED that: 28 1. Petitioner's motion (ECF No. 1) is denied without prejudice; 1

1	2. Petitioner is granted thirty days
2	that complies with the requirements of the
3	Rules of Civil Procedure, and the Local R
4	number assigned this case; petitioner mus
5	Petitioner shall also submit, within thirty
6	proceed in forma pauperis on the form pro
7	amount of \$5.00. Petitioner's failure to co
8	that this matter be dismissed; and
9	3. The Clerk of the Court is direct
10	petition for writ of habeas corpus, and the
11	DATED: August 12, 2014
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2. Petitioner is granted thirty days from the date of service of this order to file a petition that complies with the requirements of the Rules Governing Section 2254 Cases, the Federal Rules of Civil Procedure, and the Local Rules of Practice; the petition must bear the docket number assigned this case; petitioner must file an original and two copies of the petition. Petitioner shall also submit, within thirty days from the date of this order, the application to proceed in forma pauperis on the form provided by the Clerk of Court, or the filing fee in the amount of \$5.00. Petitioner's failure to comply with this order will result in a recommendation that this matter be dismissed; and

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

ALLISON CLAIRE

UNITED STATES MAGISTRATE JUDGE

¹ By setting this deadline the court is making no finding or representation that the petition is not subject to dismissal as untimely. <u>See</u> 28 U.S.C. § 2244(d)(1).