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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LOUIS SILVA,

 Petitioner,

 v.

WILLIAMSON, et al.,

 Respondents.

No. 2: 14-cv-2148 MCE AC 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. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 24, 2014, the undersigned determined that no filing fee would be assessed in this case because this action should be summarily dismissed. ECF No. 3 at 2. The undersigned then filed Findings and Recommendations recommending that the Clerk of the Court be directed to send petitioner a form for a Section 1983 complaint and an application to proceed in forma pauperis (“IFP application”). However, plaintiff has now filed an IFP application in this action.

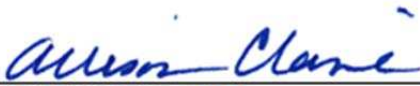
No IFP application is required in this case, because no filing fee will be assessed here, accordingly the application will be vacated. However, plaintiff may file his IFP

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1 application in a new, separate, Section 1983 lawsuit, if he chooses to file such an action.

2 Accordingly, IT IS HEREBY ORDERED that plaintiff's IFP application (ECF No. 4) is
3 VACATED subject to automatic renewal should the district judge decline to adopt the pending
4 Findings and Recommendations.

5 DATED: October 28, 2014

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7 _____
8 ALLISON CLAIRE
9 UNITED STATES MAGISTRATE JUDGE
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