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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES DOMINIQUE CARLTON,
Petitioner,
v.
UNKNOWN,
Respondent.

No. 2:14-cv-2756 CKD P

ORDER

Petitioner, a California prisoner proceeding pro se, has filed a motion seeking an extension of time to file a petition for writ of habeas corpus. In order to commence a habeas action, petitioner must file a petition for writ of habeas corpus as required by Rule 3 of the Rules Governing Section 2254 cases, and petitioner must either pay the required filing fee or file an application requesting leave to proceed in forma pauperis. See 28 U.S.C. §§ 1914(a), 1915(a). Because this action has not been properly commenced, petitioner’s motion will be denied. Petitioner will be provided the opportunity to file his petition, and to submit an application requesting leave to proceed in forma pauperis or to submit the appropriate filing fee.

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

1. Petitioner’s motion for an extension of time (ECF No. 1) is denied without prejudice;
2. Petitioner is granted thirty days from the date of service of this order to file a petition for writ of habeas corpus that complies with the requirements of the Rules Governing Section

1 2254 Cases, the Federal Rules of Civil Procedure, and the Local Rules of Practice; the petition
2 must bear the docket number assigned this case. Petitioner shall also submit, within thirty days,
3 the application to proceed in forma pauperis on the form provided by the Clerk of Court, or the
4 filing fee in the amount of \$5.00. Petitioner's failure to comply with this order will result in the
5 closing of this case.

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

8 Dated: January 21, 2015



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10 CAROLYN K. DELANEY
11 UNITED STATES MAGISTRATE JUDGE

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