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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL MARKS,
Petitioner,
v.
UNKNOWN,
Respondent.

No. 2:15-cv-0665 DAD P

ORDER

Petitioner, a state prisoner at Pleasant Valley State Prison, has filed a document styled “Request to Stay in State to Exhaust All Claims.” However, petitioner has not filed any other pleadings with this court.

In order to commence a federal 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 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). The court will not issue any orders granting or denying relief until an action has been properly commenced. Therefore, the court will deny petitioner’s pending request without prejudice. The court will provide petitioner with 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.

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

1. Petitioner’s “Request to Stay in State to Exhaust All Claims” (Doc. No. 1) is denied without prejudice;
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 shall also submit, within thirty days of the date of service 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; and
3. The Clerk of the Court is directed to send petitioner the court’s form for filing a petition for writ of habeas corpus and the application to proceed in forma pauperis by a prisoner.

Dated: April 1, 2015



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

DAD:9
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