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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ENRIQUE VASQUEZ,
Petitioner,
v.
WILLIAM L. MUNIZ,
Respondent.

No. 2:16-cv-0042 CKD P

ORDER

Petitioner, a state prisoner at Salinas Valley State Prison, has filed a motion asking that the court appoint counsel to assist petitioner with an action for writ of habeas corpus under 28 U.S.C. § 2254. In order to properly commence a § 2254 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). The court will not consider appointing counsel until these steps have been taken. Accordingly, petitioner’s motion will be denied without prejudice.

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

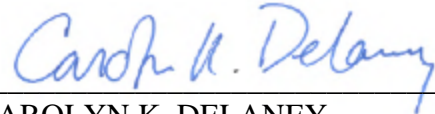
1. Petitioner’s motion for appointment of counsel (ECF No. 1) is denied without prejudice;

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1 2. Petitioner is granted thirty days from the date of service of this order to file a petition
2 that complies with the requirements of the Rules Governing Section 2254 Cases, the Federal
3 Rules of Civil Procedure, and the Local Rules of Practice. The petition must bear the docket
4 number assigned this case. Petitioner shall also submit, within thirty days from the date of this
5 order, the application to proceed in forma pauperis on the form provided by the Clerk of Court, or
6 the filing fee in the amount of \$5.00. Petitioner's failure to comply with this order will result in a
7 recommendation that this matter be dismissed; and

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

10 Dated: January 12, 2016



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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