

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CLARENCE A. GIPBSIN,
Petitioner,
v.
MCCUMBER, Warden, et al.,
Respondent.

No. 2:16-cv-1590 MCE AC P

ORDER

Petitioner, a state prisoner proceeding pro se, is currently incarcerated at California State Prison-Sacramento, in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Petitioner has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 together with a request for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

However, petitioner did not sign the portion of the IFP application authorizing prison officials to assess, collect, and forward to the court the full amount of the filing fees, in accordance with 28 U.S.C. § 1915. See ECF No. 11 at 3. Petitioner will be provided another opportunity to submit a fully completed application to proceed in forma pauperis.

Petitioner is advised that the Clerk of the Court will be directed to send petitioner a copy of the in forma pauperis application currently used by this court. Petitioner should complete the IFP application form and return it to the court. By signing page two of the IFP application form, petitioner may authorize CDCR to (1) provide a certified copy of petitioner’s trust account


1 statement directly to the court, and (2) collect and forward to the court the relevant filing fees,
2 should petitioner's IFP application be granted.

3 Petitioner also filed a motion requesting clarification regarding the case number assigned
4 to this action. ECF No. 7. Petitioner is advised that the habeas petition he filed in the United
5 States District Court for the Central District of California, Case. No. CV 16-04862 VAP RAO,
6 has been transferred to the United States District Court for the Eastern District of California. See
7 ECF No. 4 (Order of Transfer). When the case was transferred to the Eastern District of
8 California, it was assigned a new case number (2:16-cv-1590 MCE AC P). Thus, Case No. 2:16-
9 cv-1590 MCE AC P is the same habeas case that petitioner originally filed in the Central District
10 of California. Petitioner should continue to include the new case number (2:16-cv-1590 MCE AC
11 P) on any documents he files in connection with the instant habeas action.

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

- 13 1. Petitioner's motion for clarification (ECF No. 7) is granted;
- 14 2. Petitioner's motion to proceed in forma pauperis (ECF No. 11) is denied without
15 prejudice;
- 16 3. The Clerk of the Court shall provide petitioner with a copy of the in forma pauperis
17 application used by this court; and
- 18 4. Petitioner shall submit, within thirty days from the date of this order, a fully completed
19 in forma pauperis application. Petitioner's failure to comply with this order will result
20 in a recommendation that this action be dismissed without prejudice. See Fed. R. Civ.
21 P. 41(b).

22 DATED: October 7, 2016

23 
24 ALLISON CLAIRE
25 UNITED STATES MAGISTRATE JUDGE
26
27
28