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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAFFAR Y. OLIVER,  
Petitioner,  
v.  
AUDREY KING,  
Respondent.

No. 2:16-cv-1693 MCE CKD P

ORDER

Petitioner, a civil detainee proceeding pro se, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He has also filed an application to proceed in forma pauperis.

Examination of the in forma pauperis application reveals that petitioner is unable to afford the costs of suit. Accordingly, the application to proceed in forma pauperis will be granted. See 28 U.S.C. § 1915(a). In addition, the undersigned will vacate its earlier recommendation that this action be dismissed for failure to pay the filing fee or submit an in forma pauperis application.

Since petitioner may be entitled to relief if the claimed violation of constitutional rights is proved, respondent will be directed to file a response to petitioner’s habeas petition.

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

1. The September 13, 2016 findings and recommendations are hereby VACATED;
2. Petitioner’s motion to proceed in forma pauperis (ECF No. 9) is granted;

1           3. Respondent is directed to file a response to petitioner's habeas petition within sixty  
2 days from the date of this order. See Rule 4, 28 U.S.C. foll. § 2254. An answer shall be  
3 accompanied by all transcripts and other documents relevant to the issues presented in the  
4 petition. See Rule 5, 28 U.S.C. foll. § 2254;

5           4. If the response to the habeas petition is an answer, petitioner's reply, if any, shall be  
6 filed and served within thirty days after service of the answer;

7           5. If the response to the habeas petition is a motion, petitioner's opposition or statement  
8 of non-opposition to the motion shall be filed and served within thirty days after service of the  
9 motion, and respondent's reply, if any, shall be filed and served within fourteen days thereafter;  
10 and

11           6. The Clerk of the Court shall serve a copy of this order, the form Consent to Proceed  
12 Before a United States Magistrate Judge, and a copy of the petition for writ of habeas corpus  
13 pursuant to 28 U.S.C. § 2254 on Michael Patrick Farrell, Senior Assistant Attorney General.

14 Dated: October 13, 2016

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17 CAROLYN K. DELANEY  
18 UNITED STATES MAGISTRATE JUDGE

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