

1 If petitioner wishes to abandon this action, he may file a notice of voluntary dismissal in
2 accordance with Rule 41(a)(1) of the Federal Rules of Civil Procedure. If, however, petitioner
3 wishes to challenge a judgment of conviction entered against him in state court, he must file an
4 application for a writ of habeas corpus using this court's form petition. In addition, he must either
5 file an in forma pauperis affidavit or pay the required filing fee (\$5.00). See 28 U.S.C. §§
6 1914(a); 1915(a). Until he submits a petition and either pays the filing fee or meets the
7 requirements of 28 U.S.C. § 1915(a), there is simply no case before the court.

8 Accordingly, it is hereby ORDERED that:

9 1. The Clerk of the Court shall send to petitioner the court's forms for application for writ
10 of habeas corpus and application for leave to proceed in forma pauperis.

11 2. Within 30 days of the date of this order, petitioner shall either pay the \$5 filing fee or
12 submit a complete application for leave to proceed in forma pauperis.

13 3. Within 30 days of the date of this order, petitioner shall file a petition for writ of
14 habeas corpus.

15 4. Failure to comply with this order may result in this case being closed.

16 DATED: January 17, 2017.

17 

18 EDMUND F. BRENNAN
19 UNITED STATES MAGISTRATE JUDGE
20
21
22
23
24
25
26
27
28