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7	UNITED STATES DISTRICT COURT	
8	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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10	CHRISTOPHER F. HERINA,	No. 2:16-cv-2964-EFB P
11	Petitioner,	
12	V.	<u>ORDER</u>
13	CALIFORNIA DEPARTMENT OF	
14	CORRECTIONS, et al.,	
15	Respondents.	
16		
17	Petitioner is a state prisoner proceeding	ng without counsel. This action was opened when he
18	filed the first page of an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.	
19	ECF No. 1. On January 17, 2017, the court issued an order informing petitioner that he had not	
20	properly commenced this action. ECF No. 6. The order granted petitioner 30 days to either pay	
21	the \$5 filing fee or submit a complete application for leave to proceed in forma pauperis, and file	
22	a signed and complete petition for writ of habeas corpus. The time for acting has passed and all	
23	petitioner has submitted in response is a certified trust account statement. ECF No. 7. He did not	
24	file an affidavit in support of his application for leave to proceed in forma pauperis. Nor did he	
25	file a petition for writ of habeas corpus. Until petitioner submits a petition and either pays the	
26	filing fee or meets the requirements of 28 U.S.C. § 1915(a), there is simply no case before the	
27	court. Fed. R. Civ. P. 3; Rule 3, Rules Governing § 2254 Cases; Woodford v. Garceau, 538 U.S.	
28	202, 203 (2003).	

1	Accordingly, it is hereby ORDERED that:	
2	1. The Clerk of the Court shall send to petitioner the court's forms for application for writ	
3	of habeas corpus and application for leave to proceed in forma pauperis.	
4	2. Within 30 days of the date of this order, petitioner shall either pay the \$5 filing fee or	
5	submit a complete application for leave to proceed in forma pauperis.	
6	3. Within 30 days of the date of this order, petitioner shall file a petition for writ of	
7	habeas corpus.	
8	4. Failure to comply with this order may result in this case being closed.	
9	DATED: February 23, 2017.	
10	Elming Fibiem	
11	EDMUND F. BRENNAN UNITED STATES MAGISTRATE JUDGE	
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