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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TRAVON STEWART,
Petitioner,

v.
UNKNOWN,
Respondent.

No. 2:17-cv-0121-EFB P

ORDER

Petitioner is a state prisoner proceeding without counsel. This action was opened when he filed a letter with the court requesting advice as to how to pursue a writ of habeas corpus pursuant to 28 U.S.C. § 2254. ECF No. 1. He has not properly commenced a civil action. To commence a civil action, a party must file a complaint or a petition. Fed. R. Civ. P. 3; Rule 3, Rules Governing § 2254 Cases; *Woodford v. Garceau*, 538 U.S. 202, 203 (2003). The instant filing constitutes neither.

If petitioner wishes to challenge a judgment of conviction entered against him in state court, he must file an application for a writ of habeas corpus using this court's form petition. In addition, petitioner must either file an in forma pauperis affidavit or pay the required filing fee (\$5.00). *See* 28 U.S.C. §§ 1914(a); 1915(a). Until petitioner submits a petition and either pays the filing fee or meets the requirements of 28 U.S.C. § 1915(a), there is simply no case before the court.

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Accordingly, it is hereby ORDERED that:

1. The Clerk of the Court shall send to petitioner the court's forms for application for writ of habeas corpus and application for leave to proceed in forma pauperis.
2. Within 30 days of the date of this order, petitioner shall either pay the \$5 filing fee or submit a complete application for leave to proceed in forma pauperis using the form provided.
3. Within 30 days of the date of this order, petitioner shall file a petition for writ of habeas corpus using the form provided.
4. Failure to comply with this order may result in this case being closed.

DATED: January 26, 2017.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE