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1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 KENNETH KEITH MATTHEWS, No. 2:17-cv-0440 AC P 12 Petitioner. 13 **ORDER** v. 14 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO, 15 Respondent. 16 17 Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas 18 19 20 21 22

corpus pursuant to 28 U.S.C. § 2254. Although petitioner has filed a certified copy of his prison trust account statement, he has not filed an application to proceed in forma pauperis or paid the required filing fee (\$5.00). See 28 U.S.C. §§ 1914(a); 1915(a). No action can be taken with regards to petitioner's habeas corpus petition until such time as he submits the in forma pauperis application or pays the filing fee. See L.R. 121(c). Petitioner will be provided the opportunity to either submit the appropriate application in support of a request to proceed in forma pauperis or submit the appropriate filing fee. Failure to comply with this order will result in a recommendation that this action be dismissed.

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

1. Petitioner shall submit, within thirty days from service of this order, an application in support of his request to proceed in forma pauperis on the form provided by the Clerk of the

Court, or the appropriate filing fee. Petitioner's failure to comply with this order will result in a recommendation that this action be dismissed. 2. The Clerk of the Court is directed to send petitioner a copy of the in forma pauperis form used by this district. DATED: March 3, 2017 UNITED STATES MAGISTRATE JUDGE