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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SAAHDI ABDUL COLEMAN,
Petitioner,
v.
D. BAUGHMAN,
Respondent.

No. 2:17-cv-00882 AC P

ORDER

Petitioner is a state prisoner without counsel seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On June 28, 2017, the court entered an order directing petitioner to show cause as to why his petition should not be dismissed as untimely. ECF No. 3. The order also directed petitioner to submit either the filing fee or a completed application to proceed in forma pauperis within thirty days. *Id.* at 3. On July 28, 2017, petitioner filed a response to the show cause order which argued that his petition was timely. ECF No. 4. He failed, however, to pay the filing fee or submit an in forma pauperis application. The court will not consider petitioner’s arguments about the timeliness of his petition until the issue of the filing fee is settled. The court will offer petitioner a final thirty day extension to submit the filing fee or a proper application. Failure to comply with this order will result in a recommendation that this action be dismissed without prejudice for failure to prosecute.

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It is THEREFORE ORDERED that:

1. Petitioner must submit either the filing fee or an application to proceed in forma pauperis within thirty days of this order's entry;
2. The Clerk of the Court is directed to send petitioner the application to proceed in forma pauperis by a prisoner; and
3. Failure to submit the filing fee or application to proceed in forma pauperis will result in a recommendation that this action be dismissed without prejudice for failure to prosecute.

DATED: August 1, 2017



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE