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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSHUA CONLAN,  
Petitioner,  
v.  
QUAY,  
Respondent.

No. 2:17-cv-1466-EFB P

ORDER

Petitioner is a federal prisoner without counsel seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2241. On June 28, 2017, the United States District Court for the Eastern District of New York transferred the petition to this court as the appropriate venue. ECF No. 3. On July 25, 2017, this court informed petitioner that it would not issue any orders granting or denying relief unless he paid the filing fee or sought leave to proceed in forma pauperis within thirty days. ECF No. 6. The time for acting has passed and petitioner has not complied with or otherwise responded to the court's order. Instead, he filed a motion to return his petition to United States District Court for the Eastern District of New York. ECF No. 7. However, this case cannot proceed until it is properly commenced and petitioner's motion must be deferred. Therefore, the petitioner's motion to re-transfer venue is denied without prejudice to renewal once the action is properly commenced. The court will allow petitioner a final opportunity to either pay the filing fee or request leave to proceed in forma pauperis.

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Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner is granted thirty days from the date of service of this order to either submit an application to proceed in forma pauperis, or the filing fee in the amount of \$5.00. Failure to comply with this order will result in a dismissal of this action.
2. The Clerk of the Court is directed to send petitioner the court's form application to proceed in forma pauperis by a prisoner.

DATED: September 19, 2017.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE