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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD PETERSON,  
  
  Petitioner,  
  
  v.  
  
UNKNOWN,  
  
  Respondent.

No. 2:17-cv-1693 GGH

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has not, however, filed an in forma pauperis affidavit or paid the required filing fee (\$5.00). See 28 U.S.C. §§ 1914(a); 1915(a). Petitioner will be provided the opportunity to either submit the appropriate affidavit in support of a request to proceed in forma pauperis or submit the appropriate filing fee.

Petitioner has notified this court that he has not received his legal papers since he was transferred on July 17, 2017. Petitioner is concerned that he may not be able to timely file a petition for habeas corpus. If petitioner has not received his legal materials by September 15, 2017, he shall notify this court and include in that notification the name of the warden of his prison. The court will then formally mandate the warden to reply.

Petitioner is advised that if he has not received his papers in time for a habeas corpus action to be timely commenced, such well may be grounds for finding a later statute of limitation commencement date, or may be grounds for equitable tolling of the statute of limitations.

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

1. Petitioner shall submit, within thirty days from the date of this order, an affidavit in support of his request to proceed in forma pauperis 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; and

3. Petitioner shall immediately advise the court if he has not received his legal papers on or before September 15, 2017.

Dated: August 21, 2017

/s/ Gregory G. Hollows  
UNITED STATES MAGISTRATE JUDGE