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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL LAWRENCE CHERVENY,  
Petitioner,  
v.  
ERIC ARNOLD, Warden,  
Respondent.

No. 2:17-cv-02528 GGH

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas Corpus. He has not, however, either submitted an application to proceed in forma pauperis pursuant to 28 U.S.C. section 1915, nor has he paid the filing fee in lieu thereof. Accordingly, petitioner will be provided the opportunity to submit the application on the appropriate form. Petitioner is cautioned that he must also provide a certified copy of his prison trust account statement for the six month period immediately preceding the filing of his petition.

The court has reviewed petitioner’s petition and finds that he may be entitled to relief if the claimed violation of constitutional rights is proved. Respondent will be directed to file a response to petitioner’s habeas petition.

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

- 1. The Clerk of the Court is directed to send petitioner a new Application to Proceed In Forma Pauperis By a Prisoner.

1           2.       Petitioner shall submit, within thirty days from the date of this order, a completed  
2 application to proceed in forma pauperis and a certified copy of his prison trust account statement  
3 for the six month period immediately preceding the filing of the petition or submit the filing fee  
4 required by the court. Petitioner's failure to comply with this order will result in a  
5 recommendation that this action be dismissed without prejudice.

6           3.       Respondent is directed to file a response to petitioner's habeas petition within sixty  
7 days from the date of this order. See Rule 4, 28 U.S.C. foll. § 2254. An answer shall be  
8 accompanied by all transcripts and other documents relevant to the issues presented in the  
9 petition. See Rule 5, 28 U.S.C. foll. § 2254.

10          4.       If the response to the habeas petition is an answer, petitioner's reply, if any, shall  
11 be filed and served within thirty days after service of the answer.

12          5.       If the response to the habeas petition is a motion, petitioner's opposition or  
13 statement of non-opposition to the motion shall be filed and served within thirty days after service  
14 of the motion, and respondent's reply, if any, shall be filed and served within fourteen days  
15 thereafter.

16               **IT IS SO ORDERED.**

17       Dated: December 13, 2017

18                               /s/ Gregory G. Hollows  
19                               UNITED STATES MAGISTRATE JUDGE  
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