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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRANK RENE ROSILES,
Petitioner,
v.
C. PFEIFFER,
Respondent.

No. 2:17-cv-2600 GGH P

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.

Since petitioner 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. 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 the dismissal of this action;

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1 2. The Clerk of the Court is directed to send petitioner a copy of the in forma pauperis
2 form used by this District;

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

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

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

13 6. The Clerk of the Court shall serve a copy of this order, the form Consent to Proceed
14 Before a United States Magistrate Judge, and a copy of the petition for writ of habeas corpus
15 pursuant to 28 U.S.C. § 2254 on Tami Krenzin, Supervising Deputy Attorney General.

16 Dated: December 15, 2017

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