1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 GORDON JAMES, No. 2:18-cv-0358 AC P 12 Petitioner. 13 v. **ORDER** KIMBERLY A. SEIBEL, Warden, 1 14 15 Respondent. 16 17 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 18 19 affidavit or paid the required filing fee (\$5.00). See 28 U.S.C. §§ 1914(a); 1915(a). Although 20 petitioner filed a copy of his February 3, 2018 request for withdrawal of \$5.00 from his prison trust account statement, see ECF No. 2, payment has not been received by this court.² 21 22 Petitioner will be provided the opportunity to either submit the appropriate affidavit in 23 ¹ A federal petition for writ of habeas corpus must name as respondent the state officer having 24 custody of the petitioner. See 28 U.S.C. § 2254; Rule 2(a) of the Rules Governing Section 2254 Cases in the United States District Courts; Smith v. Idaho, 392 F.3d 350, 354-55 (9th Cir. 2004); 25 Stanley v. California Supreme Court, 21 F.3d 359, 360 (9th Cir. 1994). Accordingly, Kimberly A. Seibel, Warden of Deuel Vocational Institution (petitioner's place of incarceration) is 26 substituted as respondent herein. ² This case was original filed in the Fresno division of this court (there designated Case No. 1:18-27 cv-00214 JLT) before being transferred to the Sacramento division. However, review of the case 28 dockets in both courts indicates that payment was not received in either court.

support of a request to proceed in forma pauperis or submit the appropriate filing fee. 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. 2. Failure to comply with this order will result in a recommendation that this action be dismissed without prejudice. 3. The Clerk of the Court is directed to send petitioner: (1) a copy of the in forma pauperis form used by this district; and (2) a copy of petitioner's request for withdrawal from his prison trust account (ECF No. 2). DATED: March 6, 2018 auson Clane UNITED STATES MAGISTRATE JUDGE