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E-Filed 8/24/10

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DANNY GREG UECKER,
Petitioner,
v.
JAMES A. YATES, Warden,
Respondent.

No. C 10-3074 RS (PR)
**ORDER REOPENING ACTION;
GRANTING APPLICATION TO
PROCEED IN FORMA PAUPERIS;
DIRECTIONS TO PETITIONER;
INSTRUCTIONS TO CLERK**

This is a federal habeas corpus action filed by a *pro se* state prisoner pursuant to 28 U.S.C. § 2254. The action was dismissed and judgment entered in favor of respondent owing to petitioner’s failure to file a complete application to proceed *in forma pauperis* (“IFP”), or pay the filing fee of \$5.00, by the appropriate date. Petitioner has now filed a complete application to proceed IFP (Docket No. 4), which is hereby GRANTED, good cause appearing therefor. Accordingly, the action is REOPENED, and the order of dismissal (Docket No. 4) and the judgment (Docket No. 5) are hereby VACATED. The Clerk is directed to reopen the action.

Petitioner has not, however, filed a habeas petition. **Accordingly, petitioner shall file a habeas petition within 30 days from the date this order is filed, or the action will be dismissed for failure to prosecute.**

IT IS SO ORDERED.

DATED: August 24, 2010


RICHARD SEEBORG
United States District Judge

No. C 10-3074 RS (PR)
ORDER REOPENING ACTION

United States District Court
For the Northern District of California