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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

ERNEST J. BROOKS, III,  
  
Petitioner,  
  
v.  
  
KEN CLARK, Warden, et al.,  
  
Respondents.

Civil No. 08cv0125-JM (BLM)


**ORDER GRANTING APPLICATION  
TO PROCEED IN FORMA PAUPERIS**

On January 22, 2008, Petitioner, a state prisoner proceeding pro se, submitted a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. Because Petitioner did not pay the filing fee or move to proceed in forma pauperis, the Court dismissed the action without prejudice for failing to satisfy the filing fee requirement.

Petitioner has now filed a Motion for leave to proceed in forma pauperis. (Doc. No. 4.) Petitioner has no funds on account at the California correctional institution in which he is presently confined. Petitioner cannot afford the \$5.00 filing fee. Thus, the Court **GRANTS** Petitioner's application to proceed in forma pauperis, and allows Petitioner to prosecute the above-referenced action as a poor person without being required to prepay fees or costs and without being required to post security.

**IT IS SO ORDERED.**

DATED: March 17, 2008

  
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Hon. Jeffrey T. Miller  
United States District Judge

Copies to: ALL PARTIES