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

GERALDO OJITO,

Petitioner,

v.

KEN CLARK, Warden,

Respondent.


Civil No. 09-2918 JM (POR)

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

Petitioner, a state prisoner proceeding pro se, has submitted a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis. Petitioner has \$0.02 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. The Clerk of the Court shall file the Petition for Writ of Habeas Corpus without prepayment of the filing fee.

IT IS SO ORDERED.

DATED: January 6, 2010



Hon. Jeffrey T. Miller
United States District Judge