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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY:


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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 PATRICK A. SMITH,

12 Petitioner,

13 v.

14 UNKNOWN, Warden,

15 Respondent.

Civil No. 10-1042 W (CAB)

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

16 On May 13, 2010, Petitioner, a state prisoner proceeding pro se, submitted a Petition for
17 Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, along with a request to proceed in forma
18 pauperis. [Doc. Nos. 1,2.] By Order dated May 18, 2010, this Court denied the request to
19 proceed in forma pauperis because Petitioner failed to provide adequate proof of his inability to
20 pay the filing fee, notified Petitioner of his options regarding unexhausted claims, and dismissed
21 the case without prejudice for Petitioner's failure to name a proper respondent. [Doc. No. 3.]
22 To have the case reopened, Petitioner was instructed to either pay the filing fee or provide
23 adequate proof of his inability to pay the fee, choose one of the options outlined in the Order,
24 and file a First Amended Petition which named a proper respondent no later than July 6, 2010.
25 [Id.] On June 11, 2010, Petitioner filed an Application to Proceed In Forma Pauperis. [Doc. No.
26 5.]

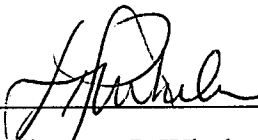
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1 Petitioner has \$0.00 on account at the California correctional institution in which he is
2 presently confined. Petitioner cannot afford the \$5.00 filing fee. Thus, the Court **GRANTS**
3 Petitioner's application to proceed in forma pauperis, and allows Petitioner to prosecute the
4 above-referenced action as a poor person without being required to prepay fees or costs and
5 without being required to post security. The Clerk of the Court shall file the Petition for Writ
6 of Habeas Corpus without prepayment of the filing fee.

7 **IT IS SO ORDERED.**

8 DATED: 7/2/10



Thomas J. Whelan
United States District Judge

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10 Copies to: ALL PARTIES

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