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

JOHN AMOS BENAVIDES, <p style="text-align: right;">Petitioner,</p> <p style="text-align: center;">v.</p> W.L. MONTGOMERY, <p style="text-align: right;">Respondent.</p>	Case No. 21-cv-1186-BAS-RBM ORDER GRANTING MOTION TO PROCEED IN FORMA PAUPERIS (ECF No. 2)
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Petitioner, a state prisoner proceeding *pro se*, has submitted a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (ECF No. 1),¹ together with a request to proceed in forma pauperis (“IFP”) (ECF No. 2). Petitioner represents that he has \$0.00 on account at the California correctional institution in which he is presently confined. Therefore, Petitioner cannot afford the \$5.00 filing fee. *See* 28 U.S.C. § 1914(a). Consequently, the Court **GRANTS** Petitioner’s application to proceed IFP, and allows Petitioner to prosecute this action without being required to prepay fees or costs and

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¹ On the same day that he commenced this action, Petitioner also filed a motion to stay proceedings so that he could “exhaust a couple of other claims through [California] state court.” (ECF No. 3.) That motion is pending.

1 without being required to post security. The Clerk of Court shall file the Petition for Writ
2 of Habeas Corpus without prepayment of the filing fee.

3 **IT IS SO ORDERED.**

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5 **DATED: January 6, 2022**

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7 **Hon. Cynthia Bashant**
8 **United States District Judge**

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