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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

STEVEN BRAUNSTEIN,

*Petitioner,*

vs.

JAMES DZURENDA , *et al.*,

*Respondent.*

2:17-cv-02731-APG-CWH

**ORDER**

Petitioner has submitted an application to proceed *in forma pauperis* and a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.<sup>1</sup> ECF No. 1 The court finds that petitioner is able to pay the full filing fee of five dollars (\$5.00).

**IT IS THEREFORE ORDERED** that the application to proceed *in forma pauperis* (ECF No. 1) is DENIED. Petitioner shall have **thirty (30) days** from the date that this order is entered to have the filing fee of five dollars (\$5.00) sent to the clerk of the court. Failure to comply will result in the dismissal of this action.

**IT IS FURTHER ORDERED** that the clerk of the court shall send petitioner two copies of this

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<sup>1</sup> Though styled as a proceeding under 28 U.S.C. § 2241, the petition seeks relief from custody imposed by a state court judgment, which places it under 28 U.S.C. § 2254. *See White v. Lambert*, 370 F.3d 1002, 1007 (9<sup>th</sup> Cir. 2004) (confirming that § 2254 is the exclusive avenue for a state court prisoner to challenge the constitutionality of his detention).

1 order. Petitioner is ordered to make the necessary arrangements to have one copy of this order attached  
2 to the check paying the filing fee.

3 DATED: November 20, 2017.

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6 UNITED STATES DISTRICT JUDGE  
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