UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

KIRK DOUGLAS WILLIAMS, Petitioner, v. GENA JONES, Respondent.	No. 2:23-cv-01862-KJM-JDP (HC) ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner had not, however, filed an *in forma pauperis* affidavit or paid the required filing fee ($5.00). *See* 28 U.S.C. §§ 1914(a); 1915(a). Thus, on September 7, 2023, I ordered petitioner to either submit the appropriate affidavit in support of a request to proceed *in forma pauperis* or submit the appropriate filing fee. Instead of complying with that order, petitioner filed a motion to stay. ECF No. 6. That motion will be denied without prejudice to refiling once petitioner either moves to proceed *in forma pauperis* or pays the filing fee. Petitioner will be granted one final opportunity to either submit the appropriate affidavit in support of a request to proceed *in forma pauperis* or submit the appropriate filing fee.

In accordance with the above, IT IS HEREBY ORDERED that:

1. Petitioner shall submit, within thirty days from the date of this order, an affidavit in support of his request to proceed *in forma pauperis* or the appropriate filing fee;

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2. Petitioner's failure to comply with this order will result in a recommendation that this action be dismissed;

3. Petitioner's motion to stay, ECF No. 6, is denied without prejudice to refiling once petitioner has either submitted the appropriate affidavit in support of a request to proceed *in forma pauperis* or submitted the appropriate filing fee.

4. The Clerk of Court is directed to send petitioner a copy of the *in forma pauperis* form used by this district.

IT IS SO ORDERED.

Dated: September 26, 2023

JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE