UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN W. DUNIGAN,

Plaintiff,

v.

LEE ANN LUNDY,

Defendant.

Case No. 2:26-cv-0285-DAD-JDP (P)

ORDER

Plaintiff, a state prisoner, initially brought this action as a section 2254 petition for habeas corpus. ECF No. 1. Before that filing was screened by the court, however, plaintiff filed a "prisoner civil rights complaint," ECF No. 5, indicating that he seeks to bring a section 1983 action. Before this action can proceed, however, plaintiff must either pay the filing fee or show that he is entitled to proceed *in forma pauperis*. The latter seems unlikely, given that it appears plaintiff is a "three-striker" within the meaning of 1915(g). Regardless, I will defer that determination until plaintiff submits an application to proceed *in forma pauperis*.

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Accordingly, it is ORDERED that:

1. The Clerk of Court shall designate this action as a prisoner civil rights action proceeding under section 1983.

2. Within twenty-one days of this order's entry, plaintiff must submit either the filing fee for a prisoner civil rights action, which is 405 dollars, or an application to proceed *in forma pauperis*.

3. The Clerk of Court shall send plaintiff an application to proceed *in forma pauperis* form with this order.

IT IS SO ORDERED.

Dated: March 13, 2026

JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE