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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Luis Camejo Rodriguez Geronimo,)	No. CV 05-3479-PHX-NVW (VAM)
Petitioner,)	ORDER
vs.)	
Richard Morgan, et al.,)	
Respondents.)	

Petitioner has filed a *pro se* petition for writ of habeas corpus by a person in federal custody pursuant to 28 U.S.C. § 2241. A habeas action requires payment of a \$5.00 filing fee, see 28 U.S.C. § 1914, or an application to proceed *in forma pauperis* without payment of the filing fee. Under Local Rule of Civil Procedure 3.5(b), a petitioner must pay the fee if he has more than \$25.00 in his inmate account. If he has less than \$25.00 in his account, he may apply to proceed *in forma pauperis*. Petitioner has not paid the filing fee or filed an application to proceed *in forma pauperis*. The Court will allow Petitioner 30 days to cure this deficiency by either paying the \$5.00 fee or applying to proceed *in forma pauperis*. The Court will direct the Clerk of Court to send him the proper form for applying to proceed *in forma pauperis*.

Petitioner should note that if he fails to timely comply with every provision of this Order, or any order entered in this matter, this action will be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. See Ferdik v. Bonzelet, 963 F.2d 1258 (9th Cir. 1992) (district court may dismiss action for failure to comply with any court order).

IT IS THEREFORE ORDERED:

(1) That Petitioner shall have **30 days** from the date this Order is filed to pay the

1 \$5.00 filing fee or to file an Application to Proceed In Forma Pauperis;

2 (2) That the Clerk of Court is directed to enter dismissal of this action without
3 prejudice and without further notice to Petitioner, if within 30 days of the date this Order is
4 filed, Petitioner fails to either pay the \$5.00 filing fee **or** file an Application to Proceed In
5 Forma Pauperis;

6 (3) That at all times during the pendency of this action, Petitioner shall immediately
7 advise the Court of any change of address and its effective date. Such notice shall be
8 captioned "NOTICE OF CHANGE OF ADDRESS." The notice shall contain only
9 information pertaining to the change of address and its effective date. The notice shall not
10 include any motions for any other relief. Petitioner shall serve a copy of the Notice of
11 Change of Address on all opposing parties. Failure to file a Notice of Change of Address may
12 result in the dismissal of the action for failure to prosecute pursuant to Rule 41(b) of the
13 Federal Rules of Civil Procedure;

14 (4) That aside from the required two copies of any petition or amended petition a
15 clear, legible copy of every other document filed with the Clerk shall accompany each
16 original document for use by the District Judge or Magistrate Judge to whom the case is
17 assigned. Failure to comply with this requirement may result in the pleading or document
18 being stricken without further notice to Petitioner; and

19 (5) That the Clerk of Court is directed to provide to Petitioner the current court-
20 approved form for filing an application to proceed in forma pauperis for a non-prisoner.

21 DATED this 9th day of November, 2005.

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Neil V. Wake
United States District Judge
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