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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Valentino Javier Romero,
Petitioner,
vs.
Dora Schriro, et al.,
Respondents.

No. CV 07-1207-PHX-SMM (BPV)

ORDER

On June 19, 2007, Petitioner Valentino Javier Romero, who is confined in the Arizona State Prison Complex in Buckeye, Arizona, filed a *pro se* Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. Petitioner has not paid the \$5.00 filing fee but he has filed an Application to Proceed *In Forma Pauperis*.

I. Petitioner Must Pay Filing Fee

Rule 3.5(b) of the Local Rules of Civil Procedure requires that “[i]f a habeas corpus petitioner desires to prosecute the petition *in forma pauperis*, the petitioner shall file an application to proceed [*in forma pauperis*] on a form approved by the Court, accompanied by a certification of the warden or other appropriate officer of the institution in which the petitioner is confined as to the amount of money or securities on deposit to the petitioner’s credit.” Rule 3.5(b) also requires payment of the \$5.00 filing fee if a petitioner has in excess of \$25.00 in his inmate account.

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1 Petitioner's Application reflects a balance of \$39.30 in his inmate account.
2 Accordingly, Petitioner is required to pay the \$5.00 filing fee. Petitioner will be granted
3 thirty days within which to do so.

4 **II. Warnings**

5 **A. Address Changes**

6 Petitioner must file and serve a notice of a change of address in accordance with Rule
7 83.3(d) of the Local Rules of Civil Procedure. Petitioner must not include a motion for other
8 relief with a notice of change of address. Failure to comply may result in dismissal of this
9 action.

10 **B. Copies**

11 Petitioner must submit an additional copy of every filing for use by the Court. See
12 LRCiv 5.4. Failure to comply may result in the filing being stricken without further notice
13 to Petitioner.

14 **C. Possible dismissal**

15 If Petitioner fails to timely comply with every provision of this Order, including these
16 warnings, the Court may dismiss this action without further notice. See *Ferdik v. Bonzelet*,
17 963 F.2d 1258, 1260-61 (9th Cir. 1992) (a district court may dismiss an action for failure to
18 comply with any order of the Court).

19 **IT IS ORDERED:**

20 (1) That Petitioner's Application to Proceed *In Forma Pauperis* (Doc. #3) is
21 denied;

22 (2) Within 30 days of the date this Order is filed Petitioner must pay the \$5.00
23 filing fee;

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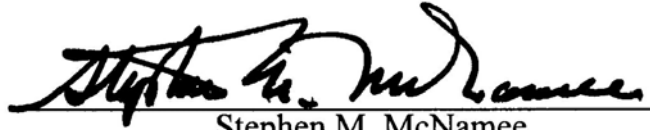
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1 (3) If Petitioner fails to pay the \$5.00 filing fee within 30 days, the Clerk of Court
2 must enter a judgment of dismissal of this action without prejudice and without further notice
3 to Petitioner.

4 DATED this 28th day of June, 2007.

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7 Stephen M. McNamee
8 United States District Judge
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