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

Alfredo Corral-Lozano,

Petitioner,

vs.

Dora B. Schriro, et al.,

Respondents.

No. CV 09-022-PHX-MHM (LOA)

**ORDER**

On January 5, 2009, Petitioner Alfredo Corral-Lozano, who is confined under Arizona Department of Corrections authority in the Diamond Back Correctional Facility in Watonga, Oklahoma, 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 or filed an Application to Proceed *In Forma Pauperis*.

**I. Failure to 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

1 credit.” Rule 3.5(b) also requires payment of the \$5.00 filing fee if a petitioner has in excess  
2 of \$25.00 in his inmate account.

3 Because Petitioner has not paid the \$5.00 filing fee or filed an Application to Proceed  
4 *In Forma Pauperis*, Petitioner will be given 30 days from the date this Order is filed to either  
5 pay the \$5.00 filing fee or file a completed Application to Proceed *In Forma Pauperis* using  
6 the form included with this Order.

7 **II. Warnings**

8 **A. Address Changes**

9 Petitioner must file and serve a notice of a change of address in accordance with Rule  
10 83.3(d) of the Local Rules of Civil Procedure. Petitioner must not include a motion for other  
11 relief with a notice of change of address. Failure to comply may result in dismissal of this  
12 action.

13 **B. Copies**

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

17 **C. Possible Dismissal**

18 If Petitioner fails to timely comply with every provision of this Order, including these  
19 warnings, the Court may dismiss this action without further notice. See *Ferdik v. Bonzelet*,  
20 963 F.2d 1258, 1260-61 (9th Cir. 1992) (a district court may dismiss an action for failure to  
21 comply with any order of the Court).

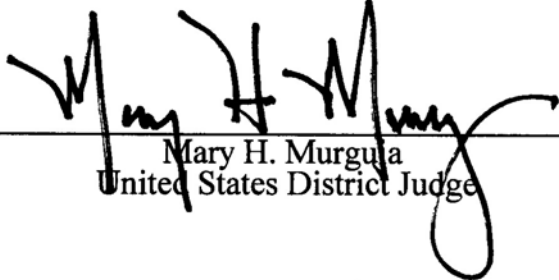
22 **IT IS ORDERED:**

23 (1) Within 30 days of the date this Order is filed, Petitioner must either pay the  
24 \$5.00 filing fee **or** file a completed Application to Proceed *In Forma Pauperis*.

25 (2) If Petitioner fails to either pay the \$5.00 filing fee or file a completed  
26 Application to Proceed *In Forma Pauperis* within 30 days, the Clerk of Court must enter a  
27 judgment of dismissal of this action without prejudice and without further notice to  
28 Petitioner.

1 (3) The Clerk of Court must mail Petitioner a court-approved form for filing an  
2 Application to Proceed *In Forma Pauperis* (Habeas).

3 DATED this 12<sup>th</sup> day of February, 2009.

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8 Mary H. Murgula  
9 United States District Judge  
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