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

Karl L. Guillen,	)	No. CV 10-0809-PHX-MHM (LOA)
Petitioner,	)	<b>ORDER</b>
vs.	)	
Charles Ryan, et al.,	)	
Respondents.	)	

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Petitioner Karl L. Guillen, who is confined in the Arizona State Prison Complex-Eyman, Special Management Unit I, in Florence, Arizona, has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. (Doc.# 1.)<sup>1</sup> Petitioner has not paid the \$5.00 filing fee, see 28 U.S.C. § 1914, or filed a proper Application to Proceed *In Forma Pauperis*. (Doc.# 3.) If Petitioner has \$25.00 or more in his inmate account, he will not be permitted to proceed *in forma pauperis* under Local Rule of Civil Procedure 3.5(b). In light of the lack of payment of the filing fee or submission of a properly completed application to proceed *in forma pauperis*, the Court will allow Petitioner 30 days either to pay the fee or apply 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

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<sup>1</sup> “Doc.#” refers to the docket number of documents filed in this case.

1 by a certification of the warden or other appropriate officer of the institution in which the  
2 petitioner is confined as to the amount of money or securities on deposit to the petitioner's  
3 credit." Rule 3.5(b) also requires payment of the \$5.00 filing fee if a petitioner has in excess  
4 of \$25.00 in his inmate account.

5 **II. Petitioner's Application is Deficient**

6 Although Petitioner has submitted an *in forma pauperis* application and completed  
7 his portion of the application, Petitioner has not had the "Certificate of Correctional Official  
8 as to Status of Applicant's Trust Account" section completed. Because Petitioner has not  
9 paid the \$5.00 filing fee or filed a properly completed Application to Proceed *In Forma*  
10 *Pauperis*, Petitioner will be given 30 days from the date this Order is filed either to pay the  
11 \$5.00 filing fee or to file a completed Application to Proceed *In Forma Pauperis* using the  
12 form included with this Order.

13 **III. Warnings**

14 **A. Address Changes**

15 Petitioner must file and serve a notice of a change of address 10 days before the move  
16 is effective, if practicable. See LRCiv 83.3(d). Petitioner may not include a motion for other  
17 relief with a notice of change of address. Failure to comply may result in dismissal.

18 **B. Copies**

19 Petitioner must submit an additional copy of every filing for use by the Court. LRCiv  
20 5.4. The Court may strike any filing that fails to comply with these requirements.

21 **C. Possible Dismissal**

22 Petitioner is warned that failure to timely comply with every provision of this Order,  
23 including these warnings, may result in dismissal of this action without further notice. See  
24 Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (district court may dismiss action  
25 for failure to comply with any order of the Court).

26 **IT IS ORDERED:**

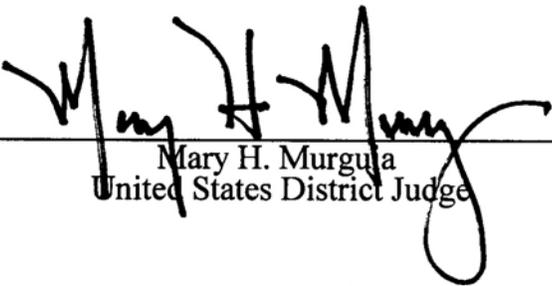
27 (1) Petitioner's *in forma pauperis* application filed with his Petition is **denied**.  
28 (Doc.# 3.)

1 (2) Petitioner must either pay the \$5.00 filing fee or file an Application to Proceed  
2 *In Forma Pauperis* no later than **30 days** from the date this Order is filed.

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

7 (4) The Clerk of Court must forthwith provide Petitioner with the current court-  
8 approved form for filing an application to proceed *in forma pauperis*.

9 DATED this 17<sup>th</sup> day of May, 2010.

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14 Mary H. Murgula  
15 United States District Judge  
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