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

Lorenzo Delgado,

 Petitioner,

vs.

Sheriff Joseph Arpaio, et al.,

 Respondents.

No. CV 11-1208-PHX-GMS (ECV)

ORDER

On June 20, 2011, Petitioner Lorenzo Delgado, who is confined in the Maricopa County’s Fourth Avenue Jail in Phoenix, Arizona, filed a *pro se* Application under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State or Federal Custody and an Application to Proceed *In Forma Pauperis*.¹ (Doc. 2.) The Court will deny the Application with leave to pay the \$5.00 filing fee within 30 days.

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¹ Petitioner is being held on various charges pending in Maricopa County Superior Court, case# CR2011-129647. See <http://www.superiorcourt.maricopa.gov/docket/CriminalCourtCases/caseInfo.asp> (Last visited July 6, 2011). Plaintiff was arraigned on June 30, 2011. *Id.* as such, the Court construes the Petition as having been brought pursuant to 28 U.S.C. § 2241, rather than § 2254.

1 **I. Application to Proceed *In Forma Pauperis***

2 Local Rule of Civil Procedure 3.5(b) requires payment of the \$5.00 statutory filing
3 fee if a petitioner has more than \$25.00 in his inmate account. Petitioner’s Application to
4 Proceed indicates that he currently has \$28.36 in his inmate account. Accordingly, the Court
5 will deny the Application to Proceed and will give Petitioner 30 days to pay the \$5.00 filing
6 fee. If Petitioner fails to pay the \$5.00 filing fee within 30 days, the Petition for a Writ of
7 Habeas Corpus will be dismissed.

8 **II. Warnings**

9 **A. Address Changes**

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

14 **B. Copies**

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

18 **C. Possible Dismissal**

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

23 **IT IS ORDERED:**

- 24 1) Petitioner’s Application To Proceed *In Forma Pauperis* is **denied**. (Doc. 2.)
25 2) Within 30 days of the date this Order is filed, Petitioner must pay the \$5.00
26 filing fee.

