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

Ronald Lucero,
Petitioner,
vs.
State of Texas,
Respondent.

No. CV 11-2354-PHX-GMS (ECV)

ORDER

On November 30, 2011, Petitioner Ronald Lucero, who is confined in the Maricopa County Lower Buckeye Jail, filed a *pro se* Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 and an Application to Proceed *In Forma Pauperis* (Doc. 3).

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 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.

1 Plaintiff's Application to Proceed *In Forma Pauperis* is not on the court-approved
2 form and does not otherwise comply with Local Rule of Civil Procedure 3.5(b). Because
3 Petitioner has not paid the \$5.00 filing fee or filed a proper Application to Proceed *In Forma*
4 *Pauperis*, Petitioner will be given 30 days from the date this Order is filed to either pay the
5 \$5.00 filing fee or file a completed Application to Proceed *In Forma Pauperis* using the form
6 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) Petitioner's November 30, 2011 Application to Proceed *In Forma Pauperis*
24 (Doc. 3) is **denied**.

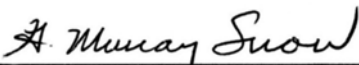
25 (2) Within 30 days of the date this Order is filed, Petitioner must either pay the
26 \$5.00 filing fee **or** file a completed Application to Proceed *In Forma Pauperis*.

27 (3) If Petitioner fails to either pay the \$5.00 filing fee or file a completed
28 Application to Proceed *In Forma Pauperis* within 30 days, the Clerk of Court must enter a

1 judgment of dismissal of this action without prejudice and without further notice to
2 Petitioner.

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

5 DATED this 16th day of December, 2011.

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8 _____
9 G. Murray Snow
10 United States District Judge
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Name and Prisoner/Booking Number

Place of Confinement

Mailing Address

City, State, Zip Code

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

_____))
_____))
Petitioner,) CASE NO. _____
vs.))
_____))
Respondent(s).))
_____))

APPLICATION TO PROCEED
IN FORMA PAUPERIS
BY A PRISONER
(HABEAS)

I, _____, declare, in support of my request to proceed in the above entitled case without prepayment of fees under 28 U.S.C. § 1915, that I am unable to pay the fees for these proceedings or to give security therefor and that I believe I am entitled to relief.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently employed at the institution where you are confined? **G**Yes **G**No
If "Yes," state the amount of your pay and where you work. _____

2. Do you receive any other payments from the institution where you are confined? **G**Yes **G**No
If "Yes," state the source and amount of the payments. _____

3. Do you have any other sources of income, savings, or assets either inside or outside of the institution where you are confined? **G**Yes **G**No
If "Yes," state the sources and amounts of the income, savings, or assets. _____

I declare under penalty of perjury that the above information is true and correct.

DATE

SIGNATURE OF APPLICANT

CERTIFICATE OF CORRECTIONAL OFFICIAL
AS TO STATUS OF APPLICANT'S TRUST ACCOUNT

I, _____, certify that as of the date applicant signed this application:
(Printed name of official)

The applicant's trust account balance at this institution is: \$_____.

DATE

AUTHORIZED SIGNATURE

TITLE/ID NUMBER

INSTITUTION