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

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Richard Eugene Warren,

No. CV 11-2539-PHX-RCB (MHB)

10

Petitioner,

ORDER

11

vs.

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Federal Bureau of Prisons, et al.,

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Respondents.

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On December 22, 2011, Petitioner Richard Eugene Warren, who is confined in the Federal Correctional Institution in Phoenix, Arizona, filed a *pro se* Application under 28 U.S.C. § 2241 for Writ of Habeas Corpus by a Person in State or Federal Custody. Petitioner did not pay the \$5.00 filing fee or file an Application to Proceed *In Forma Pauperis*. In an Order filed on January 10, 2012, the Court gave Petitioner 30 days in which to either pay the filing fee or to file an Application to Proceed *In Forma Pauperis*. (Doc. 3.) Petitioner has done neither.¹ The Court will *sua sponte* grant Petitioner an additional 30 days in which to

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¹ However, on January 11, 2012, and almost certainly before he received the January 10 Order, Petitioner filed two documents. (Doc. 4, 5.) One is captioned as an “Amended Complaint for Illegal Discipline for Attempting to Access the Courts & Government Agencies & for Theft, & Theft of Private and Public Funds, & for Illegal ‘IFRP’ Sanctions, All Pursuant to 28 U.S.C. Section 2241” and the second as “Petition for Redress of Illegal Discipline for Attempting to Access the Courts, Theft, Illegal ‘IFRP’ Sanctions and Denial of Due Process and Denail [sic] of Access to the Courts and Other Government Agencies as well as Obstruction of Tax Filings and Obstruction of Justice.” (Doc. 4, 5.)

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1 comply with the Court's last Order.²

2 **I. Failure to Pay Filing Fee**

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

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

14 **II. Warnings**

15 **A. Address Changes**

16 Petitioner must file and serve a notice of a change of address in accordance with Rule
17 83.3(d) of the Local Rules of Civil Procedure. Petitioner must not include a motion for other
18 relief with a notice of change of address. Failure to comply may result in dismissal of this

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20 ² Petitioner and another inmate previously filed a § 2241 petition concerning IFRT
21 deductions. See Warren v. Federal Bureau of Prisons, CV11-1774-PHX-RCB. The Court
22 summarily dismissed that case without prejudice to Petitioner and the other inmate each
23 individually filing a new case pursuant to Bivens v. Six Unknown Named Agents of Federal
24 Bureau of Narcotics, 403 U.S. 388 (1971), and either paying the \$350.00 filing fee or filing
25 an Application to Proceed *In Forma Pauperis* (Non-Habeas). CV11-1774, doc. 5. Petitioner
26 filed a motion, which the Court construed as a motion for reconsideration, arguing that his
27 IFRT claim may be brought in a § 2241 petition. Id., doc. 9. In an Order filed on December
28 12, 2011, the Court agreed and granted Petitioner’s motion for reconsideration to the extent
that it authorized Petitioner and the other inmate to each commence a new case pursuant to
§ 2241 and either pay the \$5.00 filing fee or file an Application to Proceed *In Forma*
Pauperis (Habeas). Id., doc. 9.

1 action.

2 **B. Copies**

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

6 **C. Possible Dismissal**

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


11 **IT IS ORDERED:**

12 (1) Within 30 days of the date this Order is filed, Petitioner must either pay the
13 \$5.00 filing fee **or** file a completed Application to Proceed *In Forma Pauperis*.

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

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

20 DATED this 23rd day of February, 2012.

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24 Robert C. Broomfield
25 Senior 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? Yes 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? Yes 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? Yes 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