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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PERCYVAL DRYDEN,

 Petitioner,

 vs.

J.D. HARTLEY,

 Respondent.
_____ /

1:10-cv-01169-SMS (HC)

ORDER DENYING MOTION TO
PROCEED IN FORMA PAUPERIS

(DOCUMENT # 4, 5)

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On July 12, 2010, Petitioner filed an Application to Proceed In Forma Pauperis and a certified copy of his prison trust account statement. Examination of these documents reveals that Petitioner is able to afford the costs of this action. Specifically, six months prior to filing, Petitioner has had an average balance of at least \$164.54 in his account. His current balance is \$180.57.

Accordingly, the motion to proceed in forma pauperis is DENIED (see 28 U.S.C. § 1915). Petitioner is ORDERED to pay the five dollar (\$5.00) filing fee within thirty (30) days of the date of service of this order. Failure to follow this order may result in the Petition being dismissed pursuant to Local Rule 11-110.

IT IS SO ORDERED.

Dated: August 2, 2010



CHIEF UNITED STATES DISTRICT JUDGE