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Case 2:05-cv-00775-MCE-EFB Document 7 Page 1 of 2 Filed 04/27/2005 1 2 3 4 5 6 7 United States District Court 8 Eastern District of California 9 10 11 Philip J. Syzemore, 12 13 Petitioner, No. Civ. S 05-775 MCE PAN P Order 14 vs. 15 Board of Prison Terms, 16 Respondent. 17 -000-18 Petitioner seeks leave to proceed in forma pauperis in a 19 habeas corpus action. A habeas petitioner must either pay a 20 \$5.00 filing fee or submit an affidavit showing he or she is 21 unable to pay or give security for the fee. 28 U.S.C. § 1915(a). 22 Petitioner's in forma pauperis affidavit shows he has a 23 prison job and earns \$100.00 per month. Petitioner has failed to 24 show he is unable to pay the filing fee. Alexander v. Carson 25 <u>Adult High School</u>, 9 F.3d 1448 (9th Cir. 1993).

Accordingly, within 20 days petitioner must submit the \$5.00 filing fee to the Clerk of the Court. Otherwise the case will be closed.

So ordered.

Dated: April 26, 2005.

/s/ Peter A. Nowinski PETER A. NOWINSKI

Magistrate Judge