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

VERNELL JOHNSON

Petitioner,

No. CIV S-11-2418 CKD P

vs.

U.S. ATTORNEY GENERAL

Respondent.

ORDER

\_\_\_\_\_ /

Petitioner, a state prisoner proceeding pro se, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with an application to proceed in forma pauperis.

Examination of the in forma pauperis application reveals that petitioner is able to afford the costs of suit. According to petitioner’s affidavit submitted in support of his application, he had a balance of \$636.60 as of August 26, 2011, eighteen days before he filed his petition. The fee for filing a habeas action is only \$5.00. Accordingly, the motion to proceed in forma pauperis will be denied. See 28 U.S.C. § 1915(a).

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1 Petitioner will have thirty days from the entry of this order in which to submit the  
2 filing fee of \$5.00. Failure to submit the fee will result in dismissal of this action under  
3 Fed.R.Civ.P. 41(b).<sup>1</sup>

4 In accordance with the above, IT IS HEREBY ORDERED that:

- 5 1. Petitioner's motion to proceed in forma pauperis (Docket No. 3) is denied;
- 6 2. Petitioner has thirty days from the entry of this order in which to submit the  
7 \$5.00 filing fee. Failure to submit the fee will result in dismissal of this action under Fed. R.  
8 Civ. P. 41(b).

9 Dated: November 9, 2011

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11 CAROLYN K. DELANEY  
12 UNITED STATES MAGISTRATE JUDGE

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16 <sup>3</sup>  
john2418.ord

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26 <sup>1</sup> If petitioner's financial status has changed such that he cannot afford the cost of filing this action, he may file a new application to proceed in forma pauperis.