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

JOSE LUIS VALDOVINOS,

No. 2:14-CV-2481-MCE-CMK-P

Petitioner,

vs.

ORDER

J. LIZARRAGA,

Respondent.

_____ /

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

On February 6, 2015, the court issued findings and recommendations that this action be dismissed for failure to prosecute and comply with court rules and orders. Specifically, petitioner had not resolved the fee status for the case despite having been directed to do so within 30 days of the court’s October 30, 2014, order. Because petitioner has now filed an application for leave to proceed in forma pauperis, albeit defective as addressed below, the court’s February 6, 2015, order to show cause will be discharged.

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1 Petitioner has not filed a complete application to proceed in forma pauperis.
2 Specifically, petitioner has failed to submit a “certification from the warden or other appropriate
3 officer of the place of confinement showing the amount of money or securities that the petitioner
4 has in any account in the institution” as required by Rule 3(a)(2) of the Federal Rules Governing
5 Section 2254 Cases, or paid the required filing fee. See 28 U.S.C. §§ 1914(a), 1915(a).
6 Petitioner will be provided the opportunity to submit either a completed application to proceed in
7 forma pauperis, with the required certification, or pay the appropriate filing fee. As to the
8 certification requirement, while a copy of petitioner’s prison trust account statement certified by
9 prison officials is not required to satisfy the requirement, such a statement will suffice. Petitioner
10 is warned that failure to comply with this order may result in the dismissal of this action for lack
11 of prosecution and failure to comply with court rules and orders. See Local Rule 110.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. The findings and recommendations issued on February 6, 2015, are
14 vacated;
- 15 2. Petitioner shall submit on the form provided by the Clerk of the Court,
16 within 30 days from the date of this order, a complete application for leave to proceed in forma
17 pauperis, with the certification required by Rule 3(a)(2), or pay the appropriate filing fee; and
- 18 3. The Clerk of the Court is directed to send petitioner a new form
19 Application to Proceed In Forma Pauperis By a Prisoner.

20
21 DATED: September 17, 2015

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23 **CRAIG M. KELLISON**
24 UNITED STATES MAGISTRATE JUDGE
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