

Filed

JAN 20 2009  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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

LYDIA FERRIERA TOLEDO,

No. C-09-0239 MMC

Petitioner,

**ORDER DENYING PETITIONER'S  
APPLICATION TO PROCEED IN FORMA  
PAUPERIS**

v.

MICHAEL CHERTOFF, et al.,

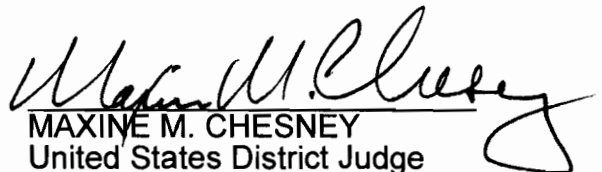
Respondents.

Having read and considered petitioner's application to proceed in forma pauperis, filed January 20, 2009, the Court hereby DENIES the application. Petitioner is ordered to pay the filing fee of \$5.00 no later than February 6, 2009. Failure to pay the filing fee by that date will result in dismissal of the above-titled action without prejudice.

Further, petitioner is hereby advised that the Court will not consider petitioner's "Motion for Preliminary Injunction and for Emergency Temporary Restraining Order," filed January 20, 2009, until such time as petitioner pays the above-referenced filing fee.

**IT IS SO ORDERED.**

Dated: January 20, 2009

  
MAXINE M. CHESNEY  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

LYDIA FERRIERA TOLEDO,  
Plaintiff,

Case Number: CV09-0239 MMC

**CERTIFICATE OF SERVICE**

v.

MICHAEL CHERTOFF, et al,  
Defendant.


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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 20, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Lydia Ferriera Toledo  
220 Bicentennial Way, Apt. 311  
Santa Rosa, CA 94503

Dated: January 20, 2009

  
Richard W. Wicking, Clerk  
By: Frank Justilano, Deputy Clerk