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

JAVIER FRANK GARCIA,

Petitioner,

vs.

J. W. HAVILAND, Warden,

Respondent.

No. C 09-04264 JW (PR)

ORDER GRANTING EXTENSION  
OF TIME TO FILE COMPLETE *IN  
FORMA PAUPERIS* APPLICATION

(Docket No. 3)

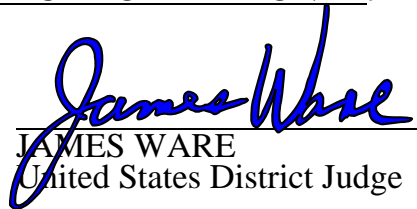
On September 15, 2009, petitioner, a state prisoner proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On the same day, the clerk of the court sent a notice to petitioner that a filing fee of \$5.00 was now due or in the alternative, that petitioner must file an In Forma Pauperis Application. (Docket No. 2.) Petitioner was advised that he must respond within thirty days to avoid the action being dismissed.

Petitioner filed a motion for extension of time to file an in forma pauperis application. (Docket No. 3.) Good cause appearing, petitioner's motion is **GRANTED**. Petitioner must submit the application and supporting documents **no later than October 29, 2009**. In the alternative, petitioner may file the \$5.00 filing fee.

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**FAILURE TO FILE A TIMELY RESPONSE IN ACCORDANCE  
WITH THIS ORDER WILL RESULT IN THE DISMISSAL OF THIS  
ACTION WITHOUT FURTHER NOTICE TO PETITIONER.**

DATED: November 3, 2009

  
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JAMES WARE  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

JAVIER FRANK GARCIA,  
Petitioner,

Case Number: CV09-04264 JW

**CERTIFICATE OF SERVICE**

v.

J W HAVILAND, Warden,  
Respondent.

\_\_\_\_\_/

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 11/5/2009, 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.

Javier Frank Garcia F-52997  
CTF Soledad  
P. O. Box 705  
Soledad, Ca 93960

Dated: 11/5/2009

Richard W. Wieking, Clerk  
/s/By: Elizabeth Garcia, Deputy Clerk