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United States District Court
For the Northern District of California

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

MIGUEL HUERTA,)	No. C 09-05069 JF (PR)
)	
Petitioner,)	ORDER GRANTING EXTENSION
)	OF TIME TO PAY FILING FEE OR
vs.)	FILE COMPLETE <i>IN FORMA</i>
)	<i>PAUPERIS</i> APPLICATION
B. CURRY, Warden,)	
)	
Respondent.)	
_____)	

On October 23, 2009, Petitioner filed this pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, along with an In Forma Pauperis Application. On that same day, the clerk of the Court sent a notification to Petitioner that his application was deficient because Petitioner failed to attach the following: 1) Certificate of Funds in Prisoner’s Account completed and signed by an authorized officer of the institution; and 2) Petitioner’s prisoner trust account statement showing transactions for the last six months. The notification included the warning that the case would be dismissed if Petitioner failed to respond within thirty days.

On November 16, 2009, Petitioner filed a letter indicating that he was sending the five dollar filing fee. (Docket No. 4.) However, Petitioner failed to enclose the payment with the letter or provide proof of payment. Accordingly,

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Petitioner has not paid the filing fee.

In the interest of justice, the Court will extend the time for Petitioner to either pay the full filing fee or provide proof of payment or, in the alternative, file the documents necessary to complete his in forma pauperis application. Petitioner must do so **no later than thirty (30) days** from the date this order is filed. Failure to comply with the Court's order in a timely manner will result in the dismissal of the case without prejudice for failure to pay the filing fee.

IT IS SO ORDERED.

DATED: 2/12/10



JEREMY FOGEL
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

MIGUEL HUERTA,

Petitioner,

v.

B. CURRY, Warden,

Respondent.

Case Number: CV09-05069 JF

CERTIFICATE OF SERVICE

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 2/22/10, 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.

Miguel Huerta D-13538
Correctional Training Facility- North
P.O. Box 705; WA-311
Soledad, CA 93960-0705

Dated: 2/22/10

Richard W. Wieking, Clerk