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

GUSTAVO RODARTE,)	No. C 12-5340 JSW (PR)
Petitioner,)	ORDER TO PAY FILING FEE; DENYING APPLICATION TO PROCEED IN FORMA PAUPERIS
vs.)	
M.E. SPEARMAN, Warden,)	
Respondent.)	
<hr style="width: 40%; margin-left: 0;"/>		(Docket No. 3)

Petitioner, a prisoner of the State of California, has filed a habeas corpus petition pursuant to 28 U.S.C. § 2254. Petitioner has filed an application to proceed in forma pauperis (“IFP”). The application indicates that for the six months prior to filing his petition, Petitioner’s prison trust account had average monthly balances of over four hundred dollars. He has more than enough money to pay the modest \$5.00 filing fee. The IFP application (docket number 3) is DENIED.

Within 28 days of the date this order is filed, Petitioner shall pay the \$5.00 filing fee by mailing it to the Clerk of Court with a clear indication that it is for case number C 12-5340 JSW (PR)). Petitioner’s failure to pay the filing fee in accordance with this order will result in the dismissal of this matter.

IT IS SO ORDERED.

DATED: November 5, 2012



JEFFREY S. WHITE
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
4

5 GUSTAVO RODARTE,
6 Plaintiff,
7

Case Number: CV12-05340 JSW

CERTIFICATE OF SERVICE

8 v.

9 M.E. SPEARMAN et al,
10 Defendant.
_____ /

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

13 That on November 5, 2012, I SERVED a true and correct copy(ies) of the attached, by placing
14 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
15 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office
16 delivery receptacle located in the Clerk's office.

17 Gustavo Rodarte C-72196
18 P.O. Box 689-YW-312
19 Soledad, CA 93960

20 Dated: November 5, 2012



21 Richard W. Wieking, Clerk
22 By: Jennifer Ottolini, Deputy Clerk
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