

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN TILLIS,
Petitioner,
v.
M.E. SPEARMAN, Wa
Respondent

Case No. 13-4123 WHO (PR)

ORDER DENYING APPLICATION TO PROCEED IN FORMA PAUPERIS;

**ORDER DIRECTING PETITIONER
TO PAY FILING FEE BY
DECEMBER 1, 2013**

19 This is a federal habeas corpus action filed pursuant to 28 U.S.C. § 2254 by a pro se
20 state prisoner. Presently before the Court is petitioner's application to proceed *in forma*
21 *pauperis* ("IFP"). (Docket No. 4.)

22 In support of such application, petitioner submitted a Certificate of Funds in
23 Prisoner's Account signed by an authorized state official. The Certificate of Funds shows
24 that the average deposits to petitioner's account for the six months preceding the filing of
25 the IFP application were \$31.19, and the average balance in petitioner's account for the
26 same time period was \$114.82.

1 Based on the above, the Court finds that petitioner is able to afford the \$5.00 filing
2 fee in this action. Accordingly, petitioner's application to proceed IFP is DENIED.

3 **Petitioner shall pay the \$5.00 filing fee in this matter by submitting payment to the**
4 **Clerk of the Court on or before December 2, 2013.** Petitioner's failure to do so will
5 result in the dismissal of this action for failure to prosecute under Federal Rule of Civil
6 Procedure 41(b), and without further notice to petitioner.

7 This order terminates Docket No. 4.

8 **IT IS SO ORDERED.**

9 **Dated:** October 15, 2013


WILLIAM H. ORRICK
United States District Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JOHN TILLIS,

Case Number: CV13-04123 WHO

Plaintiff,

CERTIFICATE OF SERVICE

v.

M E SPEARMAN 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 October 15, 2013, I SERVED a true and correct copy of the attached, by placing said copy in a postage paid envelope addressed to the person hereinafter listed, by depositing said envelope in the U.S. Mail.

John Tillis J-26546
California Training Facility Soledad
P.O. Box 684 Central
Soledad, CA 93960-0689

Dated: October 15, 2013

Jean M. Davis
Richard W. Wieking, Clerk
By: Jean Davis, Deputy Clerk