

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SONNY BARGER,
Petitioner,
v.
FBI,
Respondent.

Case No. [18-cv-00224-WHO](#) (PR)

ORDER OF DISMISSAL

United States District Court
Northern District of California

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Petitioner Sonny Barger, aka Gary Dale Barger, aka Gary Francis Fisher, has failed to comply with the Court’s order to (i) file a complete application to proceed *in forma pauperis* (“IFP”), or (ii) pay the \$5.00 filing fee. Accordingly, the action is DISMISSED without prejudice for failing to respond to the Court’s order, and for failure to prosecute, *see* Fed. R. Civ. P. 41(b). Because this dismissal is without prejudice, Barger may move to reopen this habeas action. Any such motion must contain a complete IFP application, or full payment for the \$5.00 filing fee.

It appears that Barger is asking to be granted IFP status on grounds that he allegedly is in imminent danger because of his bad health. (Dkt. No. 6.) Whatever the merits of his allegations, they are not relevant to habeas IFP matters. The imminent danger exception applies only to IFP applications in civil rights actions. Also, even if this were a civil rights action, Barger would still have to apply for IFP status by way of a complete IFP application before he could ask for the exception to apply.

The Clerk shall enter judgment in favor of respondent, and close the file.

IT IS SO ORDERED.

Dated: March 6, 2018


WILLIAM H. ORRICK
United States District Judge