

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

4 JEFFREY STUART LYNCH,

No. C 08-02962 SBA (PR)

5 Petitioner,

**ORDER REGARDING IN FORMA
 PAUPERIS MOTION**

6 v.

7 TOM FELKER, Warden,

8 Respondent.

9
 10 Petitioner has filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C.
 11 § 2254. Petitioner filed an in forma pauperis (hereinafter "IFP") application; however, he did not
 12 file a copy of his prisoner trust account statement.

13 The Court cannot conduct an initial review of this matter until Petitioner has either paid the
 14 filing fee or filed a completed IFP application with the requisite documents. See 28 U.S.C.
 15 § 1915(a) (a party is permitted to file a civil action in federal court without prepayment of fees or
 16 security if he makes an affidavit that he is unable to pay such fees or give security therefor).

17 Accordingly, Petitioner shall pay the requisite \$5.00 filing fee in this action no later than
 18 **thirty (30) days** from the date of this Order. He shall include with his payment a clear indication
 19 that it is for the above-referenced case number, C 08-02962 SBA (PR). In the event that Petitioner
 20 is unable to pay the filing fee, he shall submit the prisoner trust account statement no later than
 21 **thirty (30) days** from the date of this Order. Failure to pay the filing fee or file the requisite
 22 documents within the thirty-day deadline shall result in dismissal of this action.

23 Petitioner named "Tom Felkner" as the respondent in this action; however, Tom Felker, the
 24 correct spelling of the name of the current warden of High Desert State Prison, has been substituted
 25 as Respondent pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

26 IT IS SO ORDERED.

27 DATED: 8/29/08

28 
 SAUNDRA BROWN ARMSTRONG
 United States District Judge

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

4 JEFFREY S. LYNCH,
5 Plaintiff,

Case Number: CV08-02962 SBA

CERTIFICATE OF SERVICE

6 v.

7 TOM FELKER et al,
8 Defendant.

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

11 That on September 4, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
14 located in the Clerk's office.

15 Jeffrey Stuart Lynch E41568
16 High Desert State Prison
17 P.O. Box 3030
18 Susanville, CA 96127-3030

19 Dated: September 4, 2008

20 Richard W. Wiekling, Clerk
21 By: LISA R CLARK, Deputy Clerk