

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

3 STEVEN WOLF,

No. C 08-03949 CW (PR)

4 Petitioner,

ORDER REGARDING IN FORMA
PAUPERIS MOTION

5 v.

6 STATE OF CALIFORNIA,

7 Respondent.
8 _____/

9 Petitioner has filed a pro se petition for a writ of habeas
10 corpus pursuant to 28 U.S.C. § 2254. On that same date, the Clerk
11 of the Court sent Petitioner a notice directing him to pay the
12 filing fee or to file a completed in forma pauperis (IFP)
13 application. Petitioner filed an IFP application; however,
14 Petitioner did not file copies of the Certificate of Funds and
15 prisoner trust account statement.

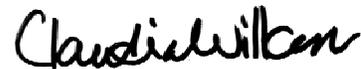
16 The Court cannot conduct an initial review of this matter
17 until Petitioner has either paid the filing fee or submitted a
18 complete IFP application. See 28 U.S.C. § 1915(a) (a party is
19 permitted to file a civil action in federal court without
20 prepayment of fees or security if he makes affidavit that he is
21 unable to pay such fees or give security therefor). If the
22 petitioner is a prisoner who alleges that he is unable to pay the
23 full filing fee at the time of filing, he must submit: (1) an
24 affidavit that includes a statement of all assets he possesses, and
25 (2) a certified copy of the trust fund account statement for the
26 prisoner for the six-month period immediately preceding the filing
27 of the action, obtained from the appropriate official of each
28 prison at which the prisoner is or was confined. See id.

1 § 1915(a)(1), (2). If the Court determines that the petitioner is
2 unable to pay the full filing fee at the time of filing, the
3 petitioner will be granted leave to proceed IFP.

4 Therefore, before the Court will proceed to review the
5 complaint Petitioner is hereby ORDERED to file copies of the
6 Certificate of Funds and prisoner trust account statement. He
7 shall include with these documents a clear indication that it is
8 for the above-referenced case number, C 08-03949 CW (PR).
9 Petitioner shall do so within thirty (30) days of the date of this
10 Order.

11 Failure to file copies of Petitioner's Certificate of Funds
12 and prisoner trust account statement as ordered herein by the
13 thirty-day deadline shall result in the dismissal of this action
14 without prejudice.

15 IT IS SO ORDERED.



16 Dated: 11/13/08

17 _____
18 CLAUDIA WILKEN
19 UNITED STATES DISTRICT JUDGE

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

4 STEVEN WOLF,

5 Plaintiff,

6 v.

7 STATE OF CALIFORNIA et al,

8 Defendant.

Case Number: CV08-03949 CW

CERTIFICATE OF SERVICE

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 November 13, 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 located
14 in the Clerk's office.

15 Steven Wolf
16 PFN #UKX495 CDC #F13128
17 5325 Broder Blvd.
18 Dublin, CA 94568

19 Dated: November 13, 2008

20 Richard W. Wieking, Clerk
21 By: Sheilah Cahill, Deputy Clerk
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United States District Court
For the Northern District of California