

United States District Court
For the Northern District of California

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

JAMES EDWARD THOMAS,

No. C 08-04068 SBA (PR)

Petitioner,

**ORDER DIRECTING PAYMENT OF
FILING FEE OR FILING OF *IN FORMA
PAUPERIS* APPLICATION**

v.

WALKER, Warden, et al.,

Respondents.

Petitioner has filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. However, Petitioner has not paid the requisite \$5.00 filing fee or filed an application for leave to proceed in forma pauperis (hereinafter "IFP"). The Court cannot conduct an initial review of this matter until Petitioner has either paid the filing fee or completed an IFP application. See 28 U.S.C. § 1915(a) (a party is permitted to file a civil action in federal court without prepayment of fees or security if he makes an affidavit that he is unable to pay such fees or give security therefor).

Accordingly, Petitioner shall pay the requisite \$5.00 filing fee in this action no later than **thirty (30) days** from the date of this Order. He shall include with his payment a clear indication that it is for the above-referenced case number, C 08-04068 SBA (PR). In the event that Petitioner is unable to pay the filing fee, he shall submit an IFP application, trust account statement and certificate of funds no later than **thirty (30) days** from the date of this Order. Failure to pay the filing fee or file the requisite documents within the thirty-day deadline shall result in dismissal of this action.

The Clerk of the Court shall send Petitioner a blank prisoner IFP application form along with his copy of this Order.

IT IS SO ORDERED.

DATED: 10/22/08


SAUNDRA BROWN ARMSTRONG
United States District Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JAMES EDWARD THOMAS,
Plaintiff,

Case Number: CV08-04068 SBA

CERTIFICATE OF SERVICE

v.

J WALTERS et al,
Defendant.

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 23, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

James Edward Thomas F-21197
California State Prison - Sacramento/Folsom
P.O. Box 290066
Represa, CA 95670-0066

Dated: October 23, 2008

Richard W. Wieking, Clerk
By: LISA R CLARK, Deputy Clerk