

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

3 BINH C. TRAN,

No. C 08-04686 CW (PR)

4 Petitioner,

ORDER REGARDING IN FORMA
PAUPERIS MOTION

5 v.

6 PEOPLE OF THE STATE OF
7 CALIFORNIA,

8 Respondent.
_____ /

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

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

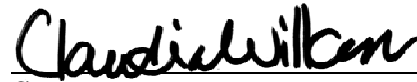
1 § 1915(a)(1), (2). If the Court determines that the petitioner is
2 unable to pay the full filing fee at the time of filing, the
3 petitioner will be granted leave to proceed IFP.

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. He shall include with these documents a
7 clear indication that it is for the above-referenced case number,
8 C 08-04686 CW (PR). Petitioner shall do so within thirty (30) days
9 of the date of this Order.

10 Failure to file copies of Petitioner's Certificate of Funds as
11 ordered herein by the thirty-day deadline shall result in the
12 dismissal of this action without prejudice.

13 IT IS SO ORDERED.

14 Dated: 11/25/08



15 CLAUDIA WILKEN
16 UNITED STATES DISTRICT JUDGE

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

4 BINH C. TRAN,
5 Plaintiff,

Case Number: CV08-04686 CW

CERTIFICATE OF SERVICE

6 v.

7 PEOPLE OF THE STATE OF CALIFORNIA
8 et al,

9 Defendant.
/

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

12 That on November 25, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said
13 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
14 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
15 in the Clerk's office.

16 Binh Cuong Tran F-26944
17 Correctional Training Facility-North
18 P.O. Box 705
19 Soledad, CA 93960-0705

20 Dated: November 25, 2008

21 Richard W. Wiekling, Clerk
22 By: Sheilah Cahill, Deputy Clerk
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