

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

3 JOSE NARANJIO,

No. C 08-04769 CW (PR)

4 Petitioner,

ORDER REGARDING IN FORMA
PAUPERIS MOTION

5 v.

6 B. CURRY, Warden, et al.,

7 Respondents.
8 _____/

9 Petitioner filed a pro se petition for a writ of habeas corpus
10 pursuant to 28 U.S.C. § 2254. On that same date, the Clerk of the
11 Court sent Petitioner a notice directing him to pay the filing fee
12 or to file a completed in forma pauperis (IFP) application.
13 Petitioner filed an IFP application and filed a copy of his
14 Certificate of Funds but did not file his six-month prisoner trust
15 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 his six-month
6 prisoner trust account statement. He shall include with this
7 document a clear indication that it is for the above-referenced
8 case number, C 08-04769 CW (PR). Petitioner shall do so within
9 thirty (30) days of the date of this Order.

10 Failure to file a copy of Petitioner's six-month prisoner
11 trust account statement as ordered herein by the thirty-day
12 deadline shall result in the dismissal of this action without
13 prejudice.

14 IT IS SO ORDERED.

15 DATED: 2/5/09



16 _____
17 CLAUDIA WILKEN
18 United States District Judge
19
20
21
22
23
24
25
26
27
28

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

4 JOSE NARANJIO,
5 Plaintiff,

Case Number: CV08-04769 CW

CERTIFICATE OF SERVICE

6 v.

7 B. CURRY 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 February 5, 2009, 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 Jose Naranjio E-45614
16 CTF-Central Soledad State Prison
17 P.O. Box 689
18 Soledad, CA 93960-0689

Dated: February 5, 2009

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk