

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

3 CAMERON BROWN,

No. C 08-05529 CW (PR)

4                                    Petitioner,

ORDER REGARDING IN FORMA  
PAUPERIS MOTION

5                                    v.

6 LARRY SMALL, Warden,

7                                    Respondent.  
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; however, Petitioner did not  
14 file copies of the Certificate of Funds and prisoner trust account  
15 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 08-05529 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: 12/18/08



17 CLAUDIA WILKEN  
18 United States District Judge

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

4 CAMERON BROWN,

5 Plaintiff,

6 v.

7 LARRY SMALL et al,

8 Defendant.

Case Number: CV08-05529 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 December 18, 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 Cameron Brown F-13991  
16 CSP-Calipatria  
17 P.O. Box 5002  
18 Calipatria, CA 92233-5002

19 Dated: December 18, 2008

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