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

ANTONIO VENTURA,

Petitioner,

v.

D. K. SISTO, Warden, et al.,

Respondents.

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No. C 08-05629 CW (PR)

ORDER GRANTING PETITIONER AN  
EXTENSION OF TIME TO PAY THE  
FILING FEE OR FILE IN FORMA  
PAUPERIS APPLICATION

Petitioner filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On that same date, the Clerk of the Court sent Petitioner a notice directing him to pay the requisite \$5.00 filing fee or to file a completed in forma pauperis (IFP) application. 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 affidavit that he is unable to pay such fees or give security therefor).

Petitioner has filed a request for an extension of time to pay the requisite \$5.00 filing fee in this action.

1           Accordingly, the Court grants Petitioner's request. No later  
2 than thirty (30) days from the date of this Order, Petitioner shall  
3 pay the \$5.00 filing fee and include with his payment a clear  
4 indication that it is for the above-referenced case number, C 08-  
5 05629 CW (PR). In the event that Petitioner is unable to pay the  
6 filing fee, he shall submit an IFP application, trust account  
7 statement and certificate of funds no later than thirty (30) days  
8 from the date of this Order. Failure to pay the filing fee or file  
9 the requisite documents within the thirty-day deadline shall result  
10 in dismissal of this action.

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

13           IT IS SO ORDERED.

14 Dated: 2/2/09



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CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA  
4

5  
6 ANTONIO VENTURA,  
7 Plaintiff,

Case Number: CV08-05629 CW

**CERTIFICATE OF SERVICE**

8 v.

9 D.K. SISTO et al,

10 Defendant.  
\_\_\_\_\_/

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

13 That on February 2, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said  
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
15 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located  
in the Clerk's office.

16  
17 Antonio Ventura H-14763 w/ blank prisoner IFP application form  
18 CSP- Solano  
19 P.O. Box 4000  
Vacaville, CA 95696-4000

20 Dated: February 2, 2009

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