1		IN THE UNITED STATE	S DISTRICT COURT
2		FOR THE NORTHERN DIST	RICT OF CALIFORNIA
3		JOHNSON,	No. C 09-00409 CW (PR)
4		Petitioner,	SECOND ORDER REGARDING IN FORMA
5	57	recruitiner,	PAUPERIS MOTION
6	V.	SUPERIOR COURT,	
7	ALAMEDA	Bernondent	

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. In an Order date June 23, 14 2009, the Court directed Petitioner to file his prisoner trust 15 The record shows that Petitioner has already account statement. 16 filed his prisoner trust account statement; however, he has not 17 filed his certificate of funds.

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

8

5 petitione: 6 There 7 complaint 8 Certifica: 9 indication 10 00409 CW 11 the date of 5 petitione: 9 complaint 10 00409 CW 11 the date of 12 Fail: 13 ordered here 14 dismissal

15

17

18

19

20

21

22

23

24

25

26

27

28

1 of the action, obtained from the appropriate official of each 2 prison at which the prisoner is or was confined. See id. 3 § 1915(a)(1), (2). If the Court determines that the petitioner is 4 unable to pay the full filing fee at the time of filing, the 5 petitioner will be granted leave to proceed IFP.

Therefore, before the Court will proceed to review the complaint Petitioner is hereby ORDERED to file a copy of his Certificate of Funds. He shall include with this document a clear indication that it is for the above-referenced case number, C 09-00409 CW (PR). Petitioner shall do so within <u>thirty (30) days</u> of the date of this Order.

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

IT IS SO ORDERED.

16 DATED: 9/10/09

Judichikan

CLAUDIA WILKEN United States District Judge

1	UNITED STATES DISTRICT COURT FOR THE		
2	NORTHERN DISTRICT OF CALIFORNIA		
3	DARRELL JOHNSON,		
4	Case Number: CV09-00409 CW Plaintiff,		
5	v. CERTIFICATE OF SERVICE		
6	ALAMEDA SUPERIOR COURT et al,		
7	Defendant.		
8	/		
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 September 10, 2009, 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.		
12			
13	located in the Clerk's office.		
14			
15	Darrell Johnson F49735 C15 243 Up		
16	Mule Creek State Prison P.O. Box 409060		
17	Ione, CA 94640		
18	Dated: September 10, 2009		
19	Richard W. Wieking, Clerk By: Sheilah Cahill, Deputy Clerk		
20			
21			
22			
23			
24			
25			
26			
27			
28			
	3		

United States District Court For the Northern District of California