

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

3  
4                                    IN RE RAUL MATA,  
5                                                                       Petitioner.

No. C 12-5852 CW (PR)  
ORDER DIRECTING  
PETITIONER TO FILE  
COMPLETED HABEAS PETITION  
FORM AND IN FORMA  
PAUPERIS APPLICATION

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8  
9                                    This habeas case was opened on November 13, 2012, when the  
10 Clerk of the Court received from Petitioner, a state prisoner, a  
11 letter and two motions. Docket nos. 1-4. Each motion is  
12 captioned as a "Motion for Equitable Tolling." Docket nos. 2, 3.  
13 Although Petitioner appears to be asking the Court to allow him to  
14 proceed with a habeas petition that he was not able to file  
15 timely, none of the documents provides any information about the  
16 state conviction he seeks to challenge in federal court. Based on  
17 this lack of information, the Court is unable to evaluate the  
18 merit of Petitioner's motions. Further, Petitioner has not paid  
19 the \$5.00 filing fee for a habeas petition or, alternatively,  
20 submitted an application seeking leave to proceed in forma  
21 pauperis (IFP), which he must do before the case can proceed.

22                                    Accordingly, the Court orders as follows:

23                                    1. No later than thirty (30) days from the date of this  
24 Order, Petitioner shall file with the Court a completed 28 U.S.C.  
25 § 2254 habeas petition form, a copy of which is being provided to  
26 Petitioner with this Order. On the first page of the form he  
27 must write in the correct caption and case number for this action,  
28 C 12-5852 CW (PR).


1           2.    No later than thirty (30) days from the date of this  
2 Order, Petitioner either shall pay the \$5.00 filing fee or shall  
3 file with the Court a completed IFP application, a copy of which  
4 is being provided to Petitioner with this Order. On the first  
5 page of the form he must write in the correct caption and case  
6 number for this action, C 12-5852 CW (PR).

7           3.    If Petitioner fails to comply with this Order, the case  
8 will be dismissed without prejudice for failure to prosecute under  
9 Rule 41(b) of the Federal Rules of Civil Procedure.

10          4.    The Clerk shall send Petitioner a blank § 2254 habeas  
11 petition form and a blank prisoner IFP application.

12           IT IS SO ORDERED.

13 Dated: 12/3/2012

  
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CLAUDIA WILKEN  
United States District Judge