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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 GARY HARRELL,

No. C 15-4850 JSW (PR)

9 Petitioner,

**ORDER TO PAY FILING FEE;
DENYING LEAVE TO PROCEED
IN FORMA PAUPERIS**

10 v.

11 RON DAVIS, Warden,


(Docket No. 4)

12 Respondent.
13 _____/

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15 Petitioner, a prisoner of the State of California, filed a habeas corpus petition
16 pursuant to 28 U.S.C. § 2254 challenging the constitutionality of his state conviction.
17 He has applied for leave to proceed in forma pauperis. The prison trust account
18 documents (dkt. # 6) show that he had more than ample funds to pay the \$5.00 filing fee
19 when he filed his petition, to wit: an average monthly balance of \$255 and average
20 monthly deposits of \$53. Within **28 days** of the date this order is filed, Petitioner shall
21 pay the \$5.00 filing fee. His failure to do so will result in the dismissal of this case
22 without prejudice.

23 IT IS SO ORDERED.

24 DATED: December 29, 2015

25 
26 JEFFREY S. WHITE
27 United States District Judge
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