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United States District Court
For the Northern District of California

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

JAMES PAUL BAXTER,

Petitioner,

vs.

ATTORNEY GENERAL, et al.,

Respondent(s).

No. C 08-05289 JW (PR)

ORDER GRANTING EXTENSION
OF TIME TO PAY FILING FEE OR
FILE *IN FORMA PAUPERIS*
APPLICATION

On November 21, 2008, petitioner, a state prisoner proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On the same day, the clerk of the court sent a notice to petitioner that he must either submit an application to proceed in forma pauperis or pay the filing fee within thirty days or the action would be dismissed. On December 8, 2008, petitioner filed an in forma pauperis application which is insufficient for the following reasons: (1) the Certificate of Funds in Prisoner's Account was not completed and signed by an authorized officer of the institution; and (2) petitioner failed to attach a copy of his prisoner trust account statement showing transactions for the last six months.

In a letter filed December 5, 2008, (Docket No. 4), petitioner indicates that he can afford the \$5.00 filing fee. Accordingly, petitioner is granted **thirty (30) days**

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from the date of this order to either pay the filing fee or file a complete in forma pauperis application with the necessary documents.

FAILURE TO FILE A TIMELY RESPONSE IN ACCORDANCE WITH THIS ORDER WILL RESULT IN THE DISMISSAL OF THIS ACTION WITHOUT FURTHER NOTICE TO PETITIONER.

DATED: April 22, 2009



JAMES WARE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JAMES PAUL BAXTER,
Petitioner,

Case Number: CV08-05289 JW

CERTIFICATE OF SERVICE

v.

ATTORNEY GENERAL, et al.,
Respondent(s).
_____ /

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

That on 4/29/2009, 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.

James Paul Baxter V-08374
Martinez Detention Facility
901 Court Street
Martinez, Ca 94553

Dated: 4/29/2009

Richard W. Wieking, Clerk
/s/ By: Elizabeth Garcia, Deputy Clerk