

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

United States District Court
For the Northern District of California

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

SERGIO ROMERO HERNANDEZ,)
)
 Petitioner,)
)
 vs.)
)
 R. K. WONG, Warden,)
)
 Respondent.)
 _____)

No. C 09-01773 JW (PR)

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

On April 22, 2009, 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 a filing fee of \$5.00 was now due or in the alternative, that petitioner must file an In Forma Pauperis Application. (Docket No. 3.) Petitioner was advised that he must respond within thirty days to avoid the action being dismissed.

Petitioner has filed two in forma pauperis applications, (Docket Nos. 2 and 4), which are both insufficient because petitioner failed to submit the following: (1) a Certificate of Funds in Prisoner’s Account completed and signed by an authorized officer of the prison; and (2) a copy of his prisoner trust account statement showing transactions for the last six months.


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

In the interest of justice, the Court will extend the time for petitioner to file the necessary documents to complete his in forma pauperis application. Petitioner must submit the documents **within thirty (30) days** from the date this order is filed. In the alternative, petitioner may file the \$5.00 filing fee.

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

The clerk shall enclose two copies of the court's In Forma Pauperis Application with a copy of this order to petition.

DATED: August 13, 2009


JAMES WARE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

SERGIO R HERNANDEZ,
Petitioner,

Case Number: CV09-01773 JW

CERTIFICATE OF SERVICE

v.

R K WONG, Warden,
Respondent.

_____/

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 8/13/2009, 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.

Sergio Romeo Hernandez V-34654
San Quentin State Prison
San Quentin, Ca 94974

Dated: 8/13/2009

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