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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

JACKSON C. VILLARTA,

Petitioner,

vs.

GARY SWARTHOUT, Warden,

Respondents.

No. C 10-02619 JW (PR)

ORDER GRANTING EXTENSION
OF TIME TO FILE CERTIFICATE
OF FUNDS IN PRISONER'S
ACCOUNT

On June 15, 2010, 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. 2.) Petitioner was advised that he must respond within thirty days to avoid the action being dismissed.

On July 6, 2010, petitioner filed an in forma pauperis application which is deficient because petitioner attached a Certificate of Funds in Prisoner's Account which was not completed and signed by a prison official. (Docket No. 3.) In the interest of justice, the Court will extend the time for petitioner to file the necessary document to complete his in forma pauperis application. Petitioner must file the

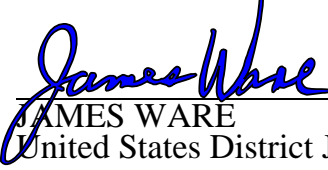
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complete Certificate of Funds **within thirty (30) days** from the date this order is filed. In the alternative, petitioner may file the \$5.00 filing fee.

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 blank copies of the court's Certificate of Funds in Prisoner's Account with a copy of this order to petition.

DATED: October 22, 2010



JAMES WARE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JACKSON C VILLARTA,
Petitioner,

Case Number: CV10-02619 JW

CERTIFICATE OF SERVICE

v.

GARY SWARTHOUT, 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 10/22/2010, 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.

Jackson Carraon Villarta P-75967
California State Prison, Solano (SOL)
P. O. Box 4000
Vacaville, CA 95696-4000

Dated: 10/22/2010

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