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

RICHARD L. BURNS,	No. C 11-06301 EJD (PR)
Petitioner,) ORDER DENYING LEAVE TO PROCEED <i>IN FORMA PAUPERIS</i>
VS.) }
GARY SWARTHOUT, Warden,)))
Respondent.	(Docket No. 3)

Petitioner, a California inmate, seeks petition in <u>pro se</u> for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his state conviction.¹ Petitioner has filed a motion for leave to proceed <u>in forma pauperis</u>. (Docket No. 3.) The motion is DENIED because Petitioner has not shown an adequate level of poverty as the average monthly deposit in his account was \$104.67 and the average monthly balance in his account was \$74.17, for the six-months preceding the filing of this petition.

Petitioner must pay the \$5 filing fee within thirty (30) days of the date of this order or face dismissal of this action for failure to pay the filing fee.

DATED: _____4/19/2012

EDWARD J. DAVILA
United States District Judge

Order Denying IFP

¹ The matter was transferred to this Court from the Eastern District of California on December 19, 2011. (Docket No. 6.)

UNITED STATES DISTRICT COURT

FOR THE

NORTHERN DISTRICT OF CALIFORNIA

RICHARD L. BURNS,	Case Number: CV11-06301 EJD
Petitioner,	CERTIFICATE OF SERVICE
v.	
GARY SWARTHOUT, Warden,	
Respondent.	
I, the undersigned, hereby certify the Court, Northern District of California	at I am an employee in the Office of the Clerk, U.S. District ia.
That on 4/20/2012 attached, by placing said copy(ies) is hereinafter listed, by depositing said an inter-office delivery receptacle lo	, I SERVED a true and correct copy(ies) of the n a postage paid envelope addressed to the person(s) envelope in the U.S. Mail, or by placing said copy(ies) into ecated in the Clerk's office.
Richard L. Burns #AA-7046 C.S.P. Solano (LOC 10-136) 2100 Peabody Road, Vacaville, CA 95696	
Dated: 4/20/2012	
	Richard W. Wieking, Clerk /s/By: Elizabeth Garcia, Deputy Clerk