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evidentiary hearing does not appear necessary at this time, and there are no exceptional circumstances to warrant appointment of counsel. Accordingly, Petitioner's motion is DENIED. This denial is without prejudice to the Court's sua sponte reconsideration should the Court later find an evidentiary hearing necessary following consideration of the merits of Petitioner's claims.

Petitioner must pay the \$5.00 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.

This order terminates Docket Nos. 2 and 4.

DATED: 10/5/2012


EDWARD J. DAVILA
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

DON LAFLAMME,
Petitioner,

Case Number: CV12-03365 EJD

CERTIFICATE OF SERVICE

v.

SUE HUBBARD,
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 10/9/2012, 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.

Don LaFlamme C-52818
Salinas Valley State Prison
P. O. Box 1050
Soledad, CA 93960

Dated: 10/9/2012

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