

United States District Court  
For the Northern District of California

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

|                     |   |                         |
|---------------------|---|-------------------------|
| ARMAND TORRES,      | ) | No. C 12-03705 EJD (PR) |
|                     | ) |                         |
| Petitioner,         | ) | ORDER OF DISMISSAL      |
|                     | ) |                         |
| vs.                 | ) |                         |
|                     | ) |                         |
| GREG LEWIS, Warden, | ) |                         |
|                     | ) |                         |
| Respondent.         | ) |                         |

Petitioner, a California inmate, seeks petition in pro se for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On October 9, 2012, Petitioner’s motion for leave to proceed in forma pauperis was denied because Petitioner has not shown an adequate level of poverty. Petitioner was instructed to pay the \$5.00 filing fee within thirty days or face dismissal of this action for failure to pay the filing fee.

The deadline has passed and Petitioner has failed to comply with the Court’s order. Accordingly, this case is DISMISSED without prejudice for failure to pay the filing fee.

The Clerk shall terminate any pending motions and close the file.

DATED: 12/4/2012

  
 EDWARD J. DAVILA  
 United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

ARMAND TORRES,  
Plaintiff,

Case Number: CV12-03705 EJD

**CERTIFICATE OF SERVICE**

v.

GREG LEWIS et al,  
Defendant.

\_\_\_\_\_/

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 December 5, 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.

Armand Torres AA-1759  
Pelican Bay State Prison  
P. O. Box 7500  
Crescent City, CA

Dated: December 5, 2012

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