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

MICHAEL L. OVERTON,)	No. C 14-01859 EJD (PR)
)	
Petitioner,)	ORDER GRANTING SECOND
)	EXTENSION OF TIME TO PAY
v.)	FILING FEE OR FILE COMPLETE <i>IN</i>
)	<i>FORMA PAUPERIS</i> APPLICATION
WARDEN, et al.,)	
)	
Respondents.)	
_____)	

On April 23, 2014, Petitioner, a state prisoner proceeding *pro se*, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On April 30, 2014, the Clerk sent Petitioner a notice that he had not paid the filing fee or filed an application to proceed *in forma pauperis* (“IFP”). (Docket No. 2.) On May 29, 2014, Petitioner filed a “Trust Account Withdrawal Order” for \$5.00 to pay for “Fed’l Filing Fees,” with a reference to the instant action, (*see* Docket No. 3), but the Court never received the filing fee. In the interest of justice, the Court granted Petitioner an extension of time to pay the filing fee, providing twenty-eight days from July 2, 2014, to either pay the filing fee or file an IFP application. (Docket No. 4.)

On July 31, 2014, Petitioner filed another “Trust Account Withdrawal Order” for \$5.00, “to pay filing fees for case No. C J-12 2868 on habeas corpus.” (Docket No.

Order Granting 2nd EOT to file IFP App.
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United States District Court
For the Northern District of California

1 5.) The Court has received no filing fee to date.

2 In the interest of justice, Petitioner shall be granted a **final extension of time** to
3 comply with the filing fee requirements. **Within twenty-eight (28) days** from the date
4 this order is filed, Petitioner shall either pay the filing fee or file a complete IFP
5 application. If Petitioner files another "Trust Account Withdrawal Order" without
6 paying the actual filing fee, the Court will deem that as a failure to pay the filing fee
7 and dismiss the action.

8 **Failure to file a timely response in accordance with this order will result in**
9 **the dismissal of this action without further notice to Petitioner.**

10 The Clerk shall include two copies of the court's IFP application with a copy of
11 this order to Petitioner.

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DATED: 8/12/2014


EDWARD J. DAVILA
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL L. OVERTON,
Petitioner,

Case Number: CV14-01859 EJD

CERTIFICATE OF SERVICE

v.

WARDEN, et al.,

Respondents.
_____ /

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 8/13/2014, 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.

Michael L. Overton C-47370
California Men's Colony
P. O. Box 8101
San Luis Obispo, CA 93409-8101

Dated: 8/13/2014

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