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FILED
2006 OCT -5 PM 2: 27
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY RM DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SYLVESTER O. OWINO,
Petitioner,
vs.
ALBERTO GONZALEZ, et al.,
Respondents.

Civil No. 06-2149 BEN (CAB)
**ORDER DISMISSING CASE WITHOUT
PREJUDICE**

Petitioner, a detainee in the custody of the Department of Homeland Security, Bureau of Immigration and Customs Enforcement, proceeding pro se, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, but has not paid the \$5.00 filing fee.

A Petition for Writ of Habeas Corpus must either be accompanied by a \$5.00 filing fee or an application to proceed in forma pauperis. See Local Rule 3(a), 28 U.S.C. foll. § 2254. Here, Petitioner has filed a document entitled "Request to Proceed in Forma Pauperis" but he has not provided the court with adequate information to determine whether he qualifies for such status. If Petitioner wishes to proceed with this action he must submit a copy of this Order with the requisite \$5.00 fee or adequate proof he cannot pay the fee, **no later than November 24,**

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1 **2006.** For Petitioner's convenience, the Clerk shall attach to this Order, an in forma
2 pauperis form, which includes the required Prison Certificate.

3 **IT IS SO ORDERED.**

4 DATED: _____

10/04/06

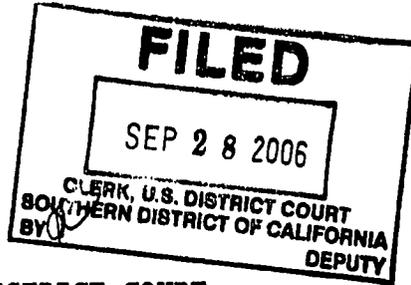
[Signature]

Roger T. Bonitez
United States District Judge

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IN CUSTODY

SYLVESTER O OWINO
A# 97469354
DHS/BICE DETENTION FACILITY
SAN DIEGO CORRECTIONAL FACILITY
P O BOX 439049
SAN DIEGO, CA 92143-904.



IN PRO SE

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Case No. **06 CV 2149** **BEN CAB**

Sylvester O Owino
Petitioner,
Vs.
Attorney general, Alberto Gonzales
Respondent

EOIR file No. A97469354

Request to proceed in forma
Pauperis.

I Sylvester O Owino declare that I am the petitioner in the above entitled case. That in support of my motion to proceed without being required to prepay fees, costs or give security therefore, I state that because of my poverty, I am unable to pay the costs of said proceedings, retain counsel or to give security therefore; that I believe that I am entitled to relief.

Respectfully Submitted,



Sylvester O Owino .

Dated this 20th day of August, 2006

CR