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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

LESLIE N. DAVIS,

Petitioner,

vs.

BILL LOCKYER, Attorney General for the
State of California; U.S. ATTORNEY
GENERAL; U.S. DEPARTMENT OF
HOMELAND SECURITY, et al.,

Respondent.

Civil No. 06-2251 LAB (POR)
**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 and has not moved to proceed in forma pauperis.¹

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. 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 December 30, 2006.**

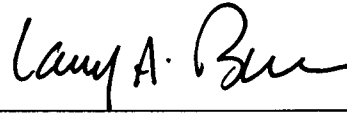
¹ The Court construes Petitioner's Motion for Appointment of Counsel as a petition for writ of habeas corpus.

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For Petitioner's convenience, the Clerk of Court shall attach a blank request to proceed in forma pauperis to this Order.

IT IS SO ORDERED.

DATED: 10/29/06



Larry A. Burns
United States District Judge