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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 JOSE LUIS VALENCIA-MENDOZA,
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Petitioner,

vs.

UNITED STATES of AMERICA,

Respondent.

Civil No. 06-2284 DMS (BLM)

**ORDER DISMISSING CASE WITHOUT
PREJUDICE**

Petitioner, a prisoner in federal custody, proceeding pro se, has 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.

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 18, 2006**. **For Petitioner's convenience the Clerk of Court shall attach to this Order, a blank request to proceed in forma pauperis.**

IT IS SO ORDERED.

DATED: October 24, 2006

cc:parties


HON. DANA M. SABRAW
United States District Judge