

1

2

3

4

5

6

7

8

9

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

10

11

PHITIKHOWN PHANBANDITH,

Civil No. 07cv0155-L (CAB)

12

Petitioner,

**ORDER DISMISSING CASE
WITHOUT PREJUDICE**

13

v.

14

MICHAEL KNOWLES, Warden, et al.,

15

Respondents.

16

Petitioner, a state prisoner proceeding pro se, has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, but has failed to pay the \$5.00 filing fee and has failed to move to proceed in forma pauperis. Because this Court cannot proceed until Petitioner has either paid the \$5.00 filing fee or qualified to proceed in forma pauperis, the Court **DISMISSES** the case without prejudice. See Rule 3(a), 28 U.S.C. foll. § 2254. If Petitioner wishes to proceed with this case, he must submit, **no later than March 26, 2007**, a copy of this Order with the \$5.00 fee or with adequate proof of his inability to pay the fee. The Clerk of Court is directed to send a blank motion to proceed in forma pauperis form to Petitioner along with this Order.

24


IT IS SO ORDERED.

25

26

DATED: January 30, 2007

27


M. James Lorenz
United States District Court Judge

28

CC: ALL PARTIES