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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

DANIEL TORRES,

Petitioner,

v.

K. MENDOZA-POWERS, Warden,

Respondent.

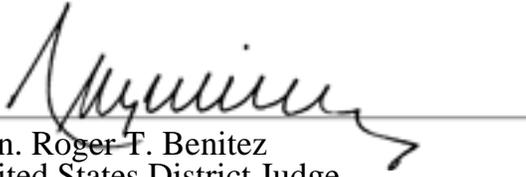
Civil No. 07cv1259-BEN (WMC)

**ORDER DISMISSING CASE  
WITHOUT PREJUDICE**

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 September 24, 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 shall send Petitioner a blank in forma pauperis application with a copy of this Order.

**IT IS SO ORDERED.**

DATED: July 26, 2007

  
Hon. Roger T. Benitez  
United States District Judge

CC: ALL PARTIES