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

BEHROUZ HAFEZI,  
  
Petitioner,  
  
vs.  
  
MICHAEL CHERTOFF, SECRETARY OF  
THE DEPARTMENT OF HOMELAND  
SECURITY, BUREAU OF IMMIGRATION  
AND CUSTOMS ENFORCEMENT, et al  
  
Respondent.

Civil No. 08-0230 H (POR)  
  
**ORDER DENYING IN FORMA  
PAUPERIS APPLICATION AND  
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, has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Petitioner has also filed a request to proceed in forma pauperis which reflects a \$274.65 trust account balance at the facility in which he is presently confined.

It appears Petitioner can afford the \$5.00 filing fee. Accordingly, the Court **DENIES** the request to proceed in forma pauperis, and **DISMISSES** the case without prejudice. To have the case reopened, Petitioner must, no later than April 7, 2008 provide the Court with: (1) a copy

1 of this Order together with the \$5.00 filing fee; or (2) a copy of this Order together with  
2 adequate proof that Petitioner cannot pay the \$5.00 filing fee.

3 **IT IS SO ORDERED.**

4 DATED: February 7, 2008

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6 MARILYN L. HUFF, District Judge  
7 UNITED STATES DISTRICT COURT  
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