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

MELECIO M. CARDONA,

Petitioner,

v.

J. WALKER, Warden,

Respondent.

Civil No. 08cv0437-LAB (WMC)

**ORDER DISMISSING CASE
WITHOUT PREJUDICE**

Petitioner, a state prisoner proceeding pro se, has filed a Petition for a 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.

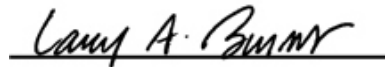
In addition, Petitioner has failed to invoke the jurisdiction of this Court. A petition for a writ of habeas corpus may be filed in the United States District Court of the judicial district in which the petitioner is presently confined or the judicial district in which he was convicted and sentenced. See 28 U.S.C. § 2241(d); Braden v. 30th Judicial Circuit Court, 410 U.S. 484, 497 (1973). Petitioner here attacks a conviction suffered in the Ventura County Superior Court. (Pet. at 1.) That court is within the jurisdictional boundaries of the United States District Court for the Central District of California, Western Division. See 28 U.S.C. § 84(c)(2). Petitioner is presently confined at the California State Prison - Sacramento. That prison is located in

1 Sacramento County, California, within the jurisdictional boundaries of the United States District
2 Court for the Eastern District of California. See 28 U.S.C. § 84(d). Jurisdiction over this
3 Petition thus exists in the Central District of California, Western Division, and in the Eastern
4 District of California, and not in this Court. See 28 U.S.C. § 2241(d).

5 Because Petitioner has failed to satisfy the filing fee requirement and has failed to invoke
6 this Court's jurisdiction, the Petition is **DISMISSED** without prejudice to proceed with his
7 claims in the Central District of California, Western Division, or the Eastern District of
8 California.

9 **IT IS SO ORDERED.**

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11 DATED: March 13, 2008

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13 HONORABLE LARRY ALAN BURNS
14 United States District Judge

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