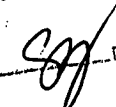


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2010 MAY 11 PM 2:26
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY  DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

WILBER LANN PITTMAN,
Petitioner,
v.
A. PALOMINO, et al.,
Respondents.

Civil No. 10cv0925 WQH (PCL)

**ORDER DENYING IN FORMA
PAUPERIS APPLICATION AND
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, together with a request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a). For the following reasons, the Court denies the application to proceed in forma pauperis and dismisses the Petition without prejudice.

APPLICATION TO PROCEED IN FORMA PAUPERIS

The request to proceed in forma pauperis is incomplete because Petitioner has not provided the Court with sufficient information to determine his financial status. A request to proceed in forma pauperis made by a state prisoner must include a certificate from the warden or other appropriate officer showing the amount of money or securities Petitioner has on account in the institution. Rule 3(a)(2), 28 U.S.C. foll. § 2254; Local Rule 3.2. Petitioner has failed to submit a certified copy of his inmate trust account statement. Accordingly, the Court **DENIES** the request to proceed in forma pauperis.

1 Here, Petitioner has presented no grounds for relief whatsoever, but has presented
2 essentially a blank habeas petition form. In no way does Petitioner claim he is "in custody in
3 violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2254.

4 Rule 4 of the Rules Governing Section 2254 Cases provides for summary dismissal of a
5 habeas petition "[i]f it plainly appears from the face of the petition and any attached exhibits that
6 the petitioner is not entitled to relief in the district court . . ." Rule 4, 28 U.S.C. foll. § 2254.
7 Here, it appears plain from the Petition that Petitioner is not presently entitled to federal habeas
8 relief because he has not presented a cognizable federal claim.

9 **CONCLUSION AND ORDER**

10 For the foregoing reasons, Petitioner's Motion to proceed in forma pauperis is **DENIED**.
11 The Petition is **DISMISSED** without prejudice for failing to satisfy the filing fee requirement
12 and failing to name a proper respondent and failing to present a cognizable federal claim. If
13 Petitioner wishes to proceed with this action, he must pay the filing fee or submit adequate proof
14 of his inability to do so **and** file a First Amended Petition which cures the pleading defects
15 identified in this Order on or before **July 1, 2010**.

16 **IT IS SO ORDERED.**

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18 DATED: 5/11/10 _____



19 Hon. William Q. Hayes
20 United States District Judge
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