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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY: WLC

DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

GILDARDO PINA MARTINEZ,  
Petitioner,  
v.  
DEPARTMENT OF HOMELAND  
SECURITY,  
Respondent.

Case No.: 3:17-cv-00436-BEN-NLS

**ORDER DENYING MOTION TO  
PROCEED IN FORMA PAUPERIS  
AND DISMISSING CASE WITHOUT  
PREJUDICE**

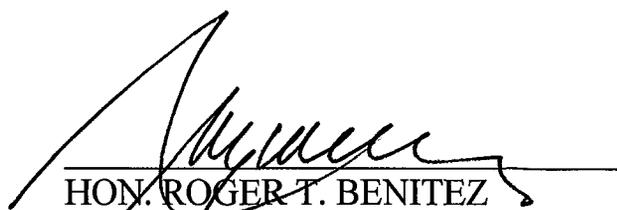
On March 1, 2017, Petitioner, a detainee in the custody of the Department of Homeland Security, Bureau of Immigration and Customs Enforcement, proceeding pro se, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 together with a request to proceed in forma pauperis ("IFP"). (Docket Nos. 1, 2.) On March 15, 2017, the Court denied the IFP motion and dismissed the case without prejudice because Petitioner did not provide the Court with sufficient information to determine his financial status. (Docket No. 3.) Petitioner was given until April 14, 2017, to either pay the \$5.00 filing fee or submit adequate proof of his inability to pay the fee. (*Id.*)

On April 6, 2017, Petitioner filed a second motion to proceed in forma pauperis together and attached his trust account statement, which reflected a balance of \$32.73. (Docket No. 4.) Thus, it appears Petitioner can afford the \$5.00 filing fee. Accordingly, the Court **DENIES** the request to proceed in forma pauperis. Petitioner's case is

1 **DISMISSED without prejudice.** To have the case reopened, Petitioner must, **no later**  
2 **than May 31, 2017**, pay the \$5.00 filing fee or submit adequate proof that he cannot pay  
3 the \$5.00 filing fee. *The Clerk of Court is directed to mail Petitioner a blank Motion to*  
4 *Proceed in Forma Pauperis form together with a copy of this Order.*

5 **IT IS SO ORDERED.**

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7 DATED: April *24*, 2017

  
HON. ROGER T. BENITEZ  
United States District Judge

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