

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

CEDRIC E. WALKER,  
  
Petitioner,  
  
v.  
  
ERIC ARNOLD, Warden,  
  
Respondent.

Case No. 16cv2430 LAB (BLM)

**ORDER DENYING IN FORMA  
PAUPERIS APPLICATION AND  
DISMISSING CASE WITHOUT  
PREJUDICE**

On September 21, 2016, Petitioner, a state prisoner proceeding pro se, filed a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254.<sup>1</sup> On October 13, 2016, this Court dismissed the Petition because Petitioner failed to satisfy the filing fee requirement. The Court notified Petitioner that in order to have his case reopened, he must either pay the filing fee or provide adequate proof of his inability to pay no later than December 9, 2016. On November 18, 2016, Petitioner submitted a Motion for Leave to Proceed in Forma Pauperis.<sup>2</sup> (ECF No. 13.)

---

<sup>1</sup> The case was originally filed in the United States District Court for the Eastern District of California. That court was without jurisdiction as therefore transferred the case her to the Southern District of California on September 27, 2016. (See ECF Nos. 1 & 3.)

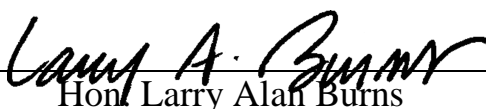
<sup>2</sup> Petitioner mistakenly sent the in forma pauperis application to the United States District Court for the Central District of California and that Court forwarded the application to this Court. (See ECF No. 12.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Petitioner's prison trust account statement reflects a \$9.44 balance. The filing fee associated with this type of action is \$5.00. See 28 U.S.C. § 1914(a). Thus, it appears Petitioner can pay the requisite filing fee. Accordingly, the Court **DENIES** the request to proceed in forma pauperis, and **DISMISSES** the case without prejudice; Petitioner may submit a copy of this order along with the requisite fee no later than **January 25, 2017**, to have the case reopened.

**IT IS SO ORDERED.**

Dated: December 13, 2016

  
\_\_\_\_\_  
Hon. Larry Alan Burns  
United States District Judge