

1
2
3
4
5
6
7 **UNITED STATES DISTRICT COURT**
8 **SOUTHERN DISTRICT OF CALIFORNIA**
9

10 ROMON BENITEZ,
11 Petitioner,
12 v.
13 CHARLES W. CALLAHAN, Warden,
14 Respondent.

Case No.: 17cv1926 CAB (JMA)

**ORDER DISMISSING CASE
WITHOUT PREJUDICE**

15 Petitioner, a state prisoner proceeding pro se, has filed a Petition for Writ of
16 Habeas Corpus pursuant to 28 U.S.C. § 2254, but has failed to pay the \$5.00 filing fee
17 and has failed to move to proceed in forma pauperis. Because this Court cannot proceed
18 until Petitioner has either paid the \$5.00 filing fee or qualified to proceed in forma
19 pauperis, the Court **DISMISSES** the case without prejudice. See Rule 3(a), 28 U.S.C.
20 foll. § 2254. If Petitioner wishes to proceed with this case, he must submit, **no later than**
21 **November 30, 2017**, a copy of this Order with the \$5.00 fee or with adequate proof of his
22 inability to pay the fee. The Clerk of Court shall send a blank Southern District of
23 California In Forma Pauperis Application to Petitioner along with a copy of this Order.

24 **IT IS SO ORDERED.**

25 Dated: September 26, 2017

26 
27 _____
28 Hon. Cathy Ann Bencivengo
United States District Judge