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

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11 ERIC JEFFREY COWAN,  
12 Petitioner,  
13 v.  
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15 JOSIE GASTELO, Warden,  
16 Respondent.

Case No.: 17cv1994 WQH (BLM)

**ORDER:**

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- (1) DENYING IN FORMA PAUPERIS APPLICATION (ECF No. 4) AND**  
**(2) GRANTING MOTION FOR EXTENSION OF TIME (ECF No. 3)**

On September 28, 2017, the Ninth Circuit Court of Appeals transferred Petitioner's Application for Leave to File Second or Successive Petition to this Court, found that Petitioner was not required to seek permission to file his Petition in this Court, and directed the Clerk of this Court to file the Application as a Proposed Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, deemed to have been filed on June 15, 2016. (ECF No. 1.)

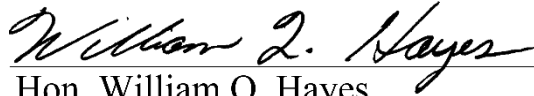
In its October 3, 2017 Order, the Court notified Petitioner that in order to avoid dismissal, he must pay the filing fee or provide adequate proof of his inability to pay and file a First Amended Petition, no later than November 30, 2017. On November 22, 2017, Petitioner filed a First Amended Petition and a request to proceed in forma pauperis. He also filed a motion for extension of time.

1 According to Petitioner's prison trust account statement, Petition has a \$17.65  
2 balance in his prison account. The filing fee associated with this type of action is \$5.00.  
3 See 28 U.S.C. § 1914(a). It appears Petitioner can pay the requisite filing fee. Accordingly,  
4 the Court **DENIES** the request to proceed in forma pauperis.

5 In his motion for extension of time, Petitioner states he has experienced "difficulties  
6 with the prison trust account office" and that those difficulties have caused an  
7 "unanticipated delay in processing the filing fee." (ECF No. 3 at 5). He requests an  
8 extension of time so that he may satisfy the filing fee requirement. The motion for  
9 extension of time is **GRANTED**. Petitioner must satisfy the filing fee requirement by  
10 paying the fee or providing adequate proof of his inability to pay, no later than **April 30,**  
11 **2018.**

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13 **IT IS SO ORDERED.**

14 Dated: March 6, 2018

  
15 Hon. William Q. Hayes  
16 United States District Court  
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