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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

TREMAYNE CARROLL,
Petitioner,
v.
RALPH DIAZ, Warden,
Respondent.

Case No.: 20-CV-1651 JLS (MDD)

ORDER DENYING *IN FORMA PAUPERIS* APPLICATION

On August 24, 2020, Petitioner Tremayne Carroll, a state prisoner proceeding *pro se*, filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. *See generally* ECF No. 1. On August 25, 2020, the Court dismissed the Petition due to Petitioner’s failure to either pay the filing fee or move to proceed *in forma pauperis*, because the Petition was not on a court-approved petition form, and because the Petition did not state a claim cognizable on federal habeas. *See generally* ECF No. 2.

Petitioner was instructed that if he wished to proceed with this action he was required to either pay the filing fee or submit a request to proceed *in forma pauperis* and file a First Amended Petition curing the defects of pleading on or before October 26, 2020. *See id.* at 5. He was provided with the proper amended petition form and the necessary *in forma pauperis* application. *See id.* Petitioner has now filed a request to proceed *in forma pauperis* but has not yet filed a First Amended Petition. *See generally* ECF No. 3.

1 The request to proceed *in forma pauperis* is denied because Petitioner has not
2 provided the Court with sufficient information to determine his financial status. A request
3 to proceed *in forma pauperis* made by a state prisoner must include a certificate from the
4 warden or other appropriate officer showing the amount of money or securities Petitioner
5 has on account in the institution. Rule 3(a)(2), 28 U.S.C. foll. § 2254; S.D. Cal. CivLR
6 3.2. Petitioner has failed to provide the Court with the required Prison Certificate, a blank
7 copy of which was sent to Petitioner with the previous Order of dismissal but has not been
8 used by Petitioner.

9 Accordingly, the Court **DENIES** the request to proceed *in forma pauperis* (ECF No.
10 3). This action remains **DISMISSED WITHOUT PREJUDICE**. To have the case
11 reopened, Petitioner must, **no later than October 26, 2020**, provide the Court with a First
12 Amended Petition on a court-approved petition form which cures the defects of pleading
13 identified in the previous Order of dismissal **and** either (1) a copy of this Order together
14 with the \$5.00 filing fee, or (2) a copy of this Order together with adequate proof that
15 Petitioner cannot pay the \$5.00 filing fee.

16 **IT IS SO ORDERED.**

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18 Dated: September 8, 2020


19 Hon. Janis L. Sammartino
20 United States District Judge
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