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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 RICKEY V. RIVERA,

12 Petitioner,

13 v.

14 KEN CLARK, Warden,

15 Respondent.

Case No.: 20-cv-1831-GPC-RBM

**ORDER DENYING MOTION TO
PROCEED IN FORMA PAUPERIS
APPLICATION AND ENLARGING
TIME TO SATISFY THE FILING
FEE REQUIREMENT**

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17 On September 15, 2020, Petitioner, a state prisoner proceeding pro se, filed a Petition
18 for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. (ECF No. 1.) On September
19 17, 2010, the Court dismissed this action because Petitioner had failed to pay the \$5.00
20 filing fee or submit a motion to proceed in forma pauperis. (ECF No. 2.) Petitioner was
21 instructed that to have this action reopened he was required to either pay the filing fee or
22 submit an application to proceed in forma pauperis on or before November 17, 2020. (*Id.*
23 at 1.) He has now filed a motion to proceed in forma pauperis. (ECF No. 3.)

24 **MOTION TO PROCEED IN FORMA PAUPERIS**

25 The motion to proceed in forma pauperis is denied because Petitioner has not
26 provided the Court with sufficient information to determine his financial status. A request
27 to proceed in forma pauperis made by a state prisoner must include a certificate from the
28 warden or other appropriate officer showing the amount of money or securities Petitioner

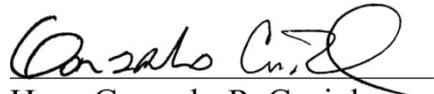
1 has on account in the institution. Rule 3(a)(2), 28 U.S.C. foll. § 2254; Local Rule 3.2.
2 Petitioner has provided the Court with a blank copy of the required Prison Certificate.
3 (ECF No. 3 at 5.)

4 **CONCLUSION AND ORDER**

5 Accordingly, the Court **DENIES** the request to proceed in forma pauperis. This case
6 remains **DISMISSED** without prejudice for failure to satisfy the filing fee requirement as
7 set forth in the Court's September 17, 2010 Order of dismissal. The Court **ENLARGES**
8 the time for Petitioner to either pay the \$5.00 filing fee or submit a properly supported in
9 forma pauperis application. To have the case reopened, Petitioner must, no later than
10 **December 17, 2020**, provide the Court with: (1) a copy of this Order together with the
11 \$5.00 filing fee; or (2) a copy of this Order together with adequate proof that Petitioner
12 cannot pay the \$5.00 filing fee. The Clerk of Court will send Petitioner a blank Southern
13 District of California in forma pauperis application which contains the proper prison
14 certificate along with a copy of this Order.

15 **IT IS SO ORDERED.**

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17 Dated: November 17, 2020

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19 Hon. Gonzalo P. Curiel
20 United States District Judge
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