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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TONY ONTIA BROWN,)
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 Petitioner,)
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 vs.)
)
 TIMOTHY FILSON, *et al.*,)
)
 Respondents.)
 /

2:17-cv-00387-GMN-CWH

ORDER

This is a habeas corpus proceeding pursuant to 28 U.S.C. § 2254. On March 22, 2017, this court entered an order denying petitioner’s application to proceed *in forma pauperis* and directing him to pay the full filing fee of five dollars (\$5.00). ECF No. 5.

Rather than pay the filing fee, petitioner has filed a motion to waive the filing fee (ECF No. 6) and another application to proceed *in forma pauperis* (ECF No. 7). However, petitioner did not include with either motion an updated inmate account statement for the past six months or a properly executed financial certificate. Petitioner’s initial IFP application was denied because his account statement and financial certificate indicated that the average monthly balance of his prison account was \$25.92 and that his average monthly deposits totaled \$27.50, both above the \$20 threshold used to determine whether petitioner must pay the filing fee. ECF No. 1-1. To have his filing fee waived,

1 petitioner must submit updated documentation showing that his current account balance, his average
2 monthly balance, and his average monthly deposits all fall below \$20.

3 **IT IS THEREFORE ORDERED** that petitioner's motion to waive the filing fee (ECF No.
4 6) and application to proceed *in forma pauperis* (ECF No. 7) are DENIED without prejudice.
5 Petitioner shall have **thirty (30) days** from the date that this order is entered to either (1) submit an
6 updated inmate account statement for the past six months and a properly executed financial
7 certificate showing that his current account balance, his average monthly balance, and average
8 monthly deposits are all below \$20 or (2) have the filing fee of five dollars (\$5.00) sent to the clerk
9 of the court. Failure to comply will result in the dismissal of this action.

10 **IT IS FURTHER ORDERED** that the clerk of the court shall send petitioner two copies of
11 this order. If petitioner chooses the second option, above, he is ordered to make the necessary
12 arrangements to have one copy of this order attached to the check paying the filing fee.

13 Dated this 18 day of ^{June} ██████, 2017.

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16 UNITED STATES DISTRICT JUDGE
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