

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Feb 09, 2018**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MELFORD JOHN WARREN, JR.,  
  
Petitioner,

NO: 4:17-CV-05156-SMJ

**ORDER DISMISSING ACTION**

v.

DONALD HOLBROOK,  
  
Respondent.

By Order filed December 28, 2017, the Court instructed Petitioner to either pay the \$5.00 filing fee to commence this action or submit the documents required to proceed *in forma paupers*. On January 5, 2018, Petitioner presented a letter stating "I The Living Soul Beneficiary Reserve All Rights Without Prejudice per UCC 1-308 and do not consent To Fraud," to which he attached his copy of the Order regarding the filing fee, ECF No. 6.

The Court had cautioned Petitioner that his failure to comply with the Court's directive would be construed as his consent to the dismissal of this action.

ORDER DISMISSING ACTION -- 1

1 The Court must infer that Petitioner will not be complying with the directive to  
2 either pay the \$5.00 filing fee or submit a completed *in forma pauperis* form.

3 Therefore, **IT IS ORDERED** this action is **DISMISSED without prejudice**  
4 for failure to comply with Rule 3(a), Rules Governing Section 2254 Cases in the  
5 United States District Courts.

6 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,  
7 enter judgment, forward a copy to Petitioner at his last known address and close  
8 the file. The Court further certifies that pursuant to 28 U.S.C. § 1915(a)(3), an  
9 appeal from this decision could not be taken in good faith, and there is no basis  
10 upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R.  
11 App. P. 22(b).

12 **DATED** this 9th day of February 2018.

13   
14 SALVADOR MENDOZA, JR.  
15 United States District Judge