

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MELFORD JOHN WARREN, JR.,

Petitioner,

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## STATE OF WASHINGTON.

### Respondent.

CASE NO. 3:17-cv-05812-BHS-JRC

## ORDER TO CORRECT IFP DEFICIENCY

The District Court has referred this petition for a writ of habeas corpus to United States Magistrate Judge J. Richard Creatura. The District Court's authority for the referral is 28 U.S.C. (b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4. Petitioner seeks from a state conviction.

Petitioner filed his petition pursuant to 28 U.S.C. § 2254 on October 6, 2017. Dkt. 1.

However, the Clerk noted that he had not paid the filing fee or filed a motion for leave to proceed *in forma pauperis* (“motion for IFP”) and sent a letter to petitioner explaining his deficiency. Dkt. 3. The Clerk warned that petitioner had until November 13, 2017 to file an amended motion

1 with a certified copy of his prison trust account or his action could face dismissal. *Id.* Petitioner  
2 has failed to do so.

3 Therefore, the Court orders petitioner to file a motion for IFP with a certified copy of his  
4 prison trust account or pay the \$5.00 filing fee **on or before December 15, 2017**. If petitioner  
5 fails to do so, the Court will recommend that petitioner's habeas petition be dismissed for failure  
6 to obey a court order and failure to prosecute.

7 In the alternative, petitioner may file a motion to voluntarily dismiss his petition without  
8 prejudice. He may then refile his action at a later date.

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10 Dated this 21st day of November, 2017.

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14 J. Richard Creatura  
15 United States Magistrate Judge  
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