

FILED

2008 MAR 24 PM 4: 25

**CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

BY RM DEPUTY

**UNITED STATES
DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION**

149062 - SH

**March 24, 2008
16:16:26**

Habeas Corpus

USAO #: 08CV0260

Judge.: ROGER T BENITEZ

Amount.: \$5.00 CK

Check#: STCA193-192427

Total -> \$5.00

FROM: VILATH XAYASOMLOTH

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

VILATH XAYASOMLOTH,

Petitioner,

v.

D. DEXTER, Warden,

Respondent.

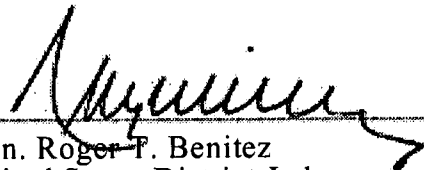
Civil No. 08cv-0260-BEN (AJB)

**ORDER DISMISSING CASE
WITHOUT PREJUDICE**

Petitioner, a state prisoner proceeding pro se, has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, but has failed to pay the \$5.00 filing fee and has failed to move to proceed in forma pauperis. Because this Court cannot proceed until Petitioner has either paid the \$5.00 filing fee or qualified to proceed in forma pauperis, the Court **DISMISSES** the case without prejudice. See Rule 3(a), 28 U.S.C. foll. § 2254. If Petitioner wishes to proceed with this case, he must submit, **no later than April 21, 2008**, a copy of this Order with the \$5.00 fee or with adequate proof of his inability to pay the fee. The Clerk of Court shall send a blank Southern District of California In Forma Pauperis Application to Petitioner along with a copy of this Order.

IT IS SO ORDERED.

DATED: February 24, 2008


Hon. Roger F. Benitez
United States District Judge