

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANNY F. ATTERBURY,
Petitioner,

No. C 08-3645 MHP (pr)

ORDER OF DISMISSAL

v.

ED FOULK,
Respondent.

This pro se action for a writ of habeas corpus was filed on July 30, 2008, at which time the court notified petitioner in writing that the action was deficient due to the failure to pay the filing fee or furnish a completed and signed court-approved in forma pauperis application. Petitioner was advised that failure to pay the fee or file the application materials within thirty days would result in dismissal of the action. Petitioner did not pay the filing fee or file any in forma pauperis application. The action therefore is DISMISSED without prejudice for failure to pay the filing fee or submit a completed in forma pauperis application.

Petitioner may file a new action, but should include a filing fee or an in forma pauperis application with a new pleading to commence that new action. Petitioner should use a civil rights complaint form rather than a petition for writ of habeas corpus form if he wishes to challenge the conditions of his confinement. The clerk shall close the file.

IT IS SO ORDERED.

Dated: December 18, 2008


Marilyn Hall Patel
United States District Judge