

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

IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

JUAN P. GOMEZ-GARCIA,

No. C 08-5201 WHA (PR)

Petitioner,

**ORDER OF DISMISSAL**

vs.

MICHAEL MARTEL, Warden; and  
 JERRY BROWN, Attorney General of  
 California,

Respondents.

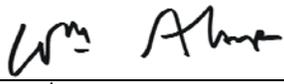
\_\_\_\_\_ /

This pro se habeas action was filed on November 17, 2008. On that same day the court notified petitioner that he had neither paid the filing fee nor applied for leave to proceed in forma pauperis. A copy of the court's form for applications to proceed in forma pauperis was provided with the notice, along with a return envelope. Petitioner was informed that if he did not either pay the fee or file the application within thirty days the case would be dismissed. No response has been received.

This case is therefore **DISMISSED** without prejudice. The clerk shall close this file.

**IT IS SO ORDERED.**

Dated: January 5, 2009.

  
 \_\_\_\_\_  
 WILLIAM ALSUP  
 UNITED STATES DISTRICT JUDGE

G:\PRO-SE\WHA\HC.08\GOMEZ-GARCIA5201.DSM-IFP.wpd