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

NICOLE WATERHOUSE,

No C-09-4942 VRW (PR)

Petitioner,

v

ORDER DISMISSING PETITION FOR
WRIT OF HABEAS CORPUS; DENYING
CERTIFICATE OF APPEALABILITY

PAUL COPENHAVER, Warden, et al,

Respondent(s).

_____ /

United States District Court
For the Northern District of California

This habeas corpus action by pro se prisoner Nicole Waterhouse was filed on October 16, 2009. Doc #1. The court notified petitioner in writing at that time that the action was deficient because she did not pay the requisite \$ 5.00 filing fee or, instead, submit a signed and completed court-approved in forma pauperis application, including a completed certificate of funds in her prison account and a copy of her prison trust account statement for the last six months. See 28 USC § 1915(a)(2). Petitioner was advised that failure to file the requested items within thirty days would result in dismissal of the action. Doc #4.

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1 Over forty-five days have elapsed since petitioner was
2 notified of her filing deficiency; however, she has not provided the
3 court with the requisite items, or sought an extension of time to do
4 so. The action, therefore, is DISMISSED without prejudice subject
5 to filing a new habeas action accompanied by the requisite \$5.00
6 filing fee or a signed and completed in forma pauperis application.
7 Further, a certificate of appealability is DENIED. See Rule 11(a)
8 of the Rules Governing Section 2254 Cases (effective Dec 1, 2009).
9 Petitioner may not appeal the denial of a certificate of
10 appealability in this court but may seek a certificate from the
11 court of appeals under Rule 22 of the Federal Rules of Appellate
12 Procedure. Id.

13 The clerk shall terminate all pending motions as moot,
14 enter judgment in accordance with this order and close the file.

15
16 IT IS SO ORDERED.

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19 _____
20 VAUGHN R WALKER
21 United States District Chief Judge