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

HILTON LAWRENCE BROWN,

Petitioner,

v.

FRANCISCO JACQUEZ, Warden,

Respondent.

No. C-09-5997 TEH (PR)

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

_____ /

This habeas corpus action by a pro se prisoner was filed on December 22, 2009. Doc. #1. On December 30, 2009, the Court notified Petitioner in writing that the action was deficient because he did not pay the requisite \$ 5.00 filing fee or, instead, submit a signed and completed court-approved in forma pauperis application, including a signed and completed certificate of funds in his prisoner's account and a copy of his prisoner's trust account statement for the last six months. See 28 U.S.C. § 1915(a)(2). Petitioner was advised that failure to file the requested items within thirty (30) days would result in dismissal of the action. Doc. #7.


1 Over three months have elapsed since Petitioner was
2 notified of his filing deficiency; however, he has not provided the
3 Court with the requisite items, or sought an extension of time to do
4 so. Accordingly, the action is DISMISSED without prejudice.

5 Further, a Certificate of Appealability is DENIED. See
6 Rule 11(a) of the Rules Governing Section 2254 Cases (effective Dec.
7 1, 2009). Petitioner may not appeal the denial of a Certificate of
8 Appealability in this Court but may seek a certificate from the
9 Court of Appeals under Rule 22 of the Federal Rules of Appellate
10 Procedure. Id.

11 The Clerk shall terminate all pending motions as moot and
12 close the file.

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15 IT IS SO ORDERED.

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17 DATED 04/13/10



THELTON E. HENDERSON
United States District Judge