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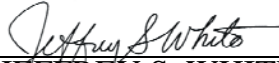
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re ELAY LOY,)	No. C 10-5356 JSW (PR)
)	ORDER OF DISMISSAL
Petitioner.)	
)	
)	
)	

This case was opened on November 29, 2010, when Petitioner, a California prisoner proceeding pro se, mailed a letter to the Court regarding his state court criminal proceedings. On the same day, the Clerk notified Petitioner that he had not submitted a petition, and that he had neither paid the filing fee nor filed an application to proceed in forma pauperis (“IFP”). Along with the notice, the Clerk mailed to Petitioner the Court’s habeas and IFP forms, instructions for completing the forms, and a stamped return envelope. In the notice, Petitioner was informed that the case would be dismissed if he did not file a petition and respond to the IFP deficiency notice within thirty days. No petition, IFP application, filing fee or other response has been received. Accordingly, this case is DISMISSED without prejudice. *See* Fed. R. Civ. P. 41(b).

The Clerk shall enter judgment and close the file.
IT IS SO ORDERED.

DATED: February 1, 2011



JEFFREY S. WHITE
 United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
4

5 ELOY LOY,
6

7 Plaintiff,

8 v.

9 / et al,

10 Defendant.
_____ /

Case Number: CV10-05356 JSW

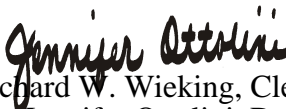
CERTIFICATE OF SERVICE

11
12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
Court, Northern District of California.

13 That on February 1, 2011, I SERVED a true and correct copy(ies) of the attached, by placing
14 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
15 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office
delivery receptacle located in the Clerk's office.

16
17 Elay Loy
18 San Quentin State Prison
19 #C33245
San Quentin, CA 94974

20 Dated: February 1, 2011

21 
Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk
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