IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERT ROY GARCIA, No. C-11-1188 TEH (PR)

Petitioner, ORDER OF DISMISSAL

v.

GARY SWARTHOUT, Warden,

Respondent.

_____/

Petitioner has filed a pro se Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254 challenging a judgment of conviction from Sonoma County Superior Court. Doc. #1. Petitioner failed to sign this instant Petition as required by Rule 2 of the Rules Governing Section 2254 Cases and by 28 U.S.C. § 2242.

On February 1, 2012, the Court issued an order directing Respondent to show cause with a writ of habeas corpus should not be granted. Doc. #6. In this order, the Court also directed Petitioner to file a signed signature page for his Petition by February 24, 2012. A copy of the order was mailed to Petitioner's address of record: CSP-Solano, P.O. Box 4000, Vacaville CA 95696.

Another copy of the order was mailed to the return address listed on Petitioner's last communication with the Court: 954 Baxter Avenue, Sonoma CA 95476. Both orders were returned as undeliverable. See Doc. ## 7 and 8. It appears that California State Prison - Solano forwarded the order to the Santa Rosa Parole Units 1, 2, and the order was returned by the Santa Rosa Parole Unit as "Unable to Forward." Doc. #8.

Over five months have passed since the Court-ordered deadline for filing the signature page, and Petitioner still has not complied with the Court's order.[1]

The Court is without jurisdiction to consider the instant Petition because it was not signed and verified by Petitioner as required by Rule 2 of the Rules Governing Section 2254 Cases and by 28 U.S.C. § 2242. Accordingly, this Petition is DISMISSED. The Clerk is directed to terminate any pending motions as moot and close the file.

IT IS SO ORDERED.

DATED 07/23/2012

THELTON E. HENDERSON
United States District Judge

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[1]Petitioner has not communicated with the Court since December 2011. He has not responded to the Respondent's Motion to Dismiss (filed in March 2012), or to the Court's June 2012 order directing him to file a notice of intent to prosecute and to provide the Court with his current address.