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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

DERRICE LEWIS,

No. C 11-3913 WHA (PR)

Petitioner,

ORDER OF DISMISSAL

v.

MCDONALD, Warden,

Respondent.

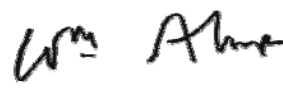
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This case was opened when petitioner, a California prisoner proceeding pro se, filed a request for “abeyance in this action” in the United States District Court for the Eastern District of California. The case was then transferred here. There is no complaint or petition, however, and as such there is no case or controversy. *See Valley Forge Christian College v. Americans United for Separation of Church and State, Inc.*, 454 U.S. 464, 471 (1982) (Article III, Section 2 of the United States Constitution restricts adjudication in federal courts to “Cases” and “Controversies”). Accordingly, this case is **DISMISSED** without prejudice to filing a complaint or petition that presents a case or controversy in a new action. To the extent petitioner wants an abeyance of another case he has pending in federal court, he must file his request for an abeyance in that case, not as a pleading in a new case.

The clerk shall enter judgment and close the file.

IT IS SO ORDERED.

Dated: August 29, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE