

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

United States District Court
For the Northern District of California

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

TERRY RAY HAWES,
Petitioner,

No. C 11-5128 WHA (PR)

ORDER OF DISMISSAL

vs.

STATE OF CALIFORNIA,
Respondent.

_____ /

This pro se habeas action was filed on October 19, 2011. On that same day, petitioner was notified that he had neither paid the filing fee nor filed an application to proceed in forma pauperis (“IFP”). A copy of the court’s form for IFP applications was provided with the notice along with a return envelope. Petitioner was informed that if he did not either pay the \$5.00 filing fee or file a completed IFP application within thirty days the case would be dismissed. Along with the notice, he was mailed a copy of the IFP application, instructions for completing it, and a pre-paid return envelope. The instructions indicated that in order to complete the IFP application, he was required to submit a certificate of funds completed and signed by a prison official as well as a statement of his prison trust account showing transactions for the last six months. Plaintiff has filed an application, but has not submitted the completed certificate or

//
//


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

trust account statement, nor has he explained his failure to do so. As more than thirty days have passed since the deficiency notice and Plaintiff has neither paid the filing fee nor filed a completed IFP application, this case is **DISMISSED** without prejudice.

The clerk shall enter judgment and close this file.

IT IS SO ORDERED.

Dated: December 19, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

G:\PRO-SE\WHA\HC.11\HAWES5128.DFP.wpd