

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

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

DALE CHRISTIAN PETERS,

No. C 11-5824 WHA (PR)

Petitioner,

ORDER OF DISMISSAL

v.

UNITED STATES MARSHAL,

Respondent.

_____/

Petitioner filed this pro se habeas corpus petition pursuant to 28 U.S.C. 2241. Because petitioner signed neither the petition nor the “addendum” to the petition, as required by Rule 11 of the Federal Rules of Civil Procedure, on December 20, 2011, the petition was dismissed with leave to file a signed amended petition within thirty days. He was cautioned that his failure to do so would result in the dismissal of this case. More than thirty days have passed and no response has been received from petitioner.

A person named John Merriman, who claims to be a friend of petitioner’s and who is not a lawyer, filed an affidavit and exhibit in response to the order of December 20, 2011. These papers are largely incomprehensible, but they appear to describe difficulties Mr. Merriman has had in contacting petitioner. Mr. Merriman filed the original petition and its associated papers, has filed virtually all of the papers in this case, and the only address provided for petitioner appears to be Mr. Merriman’s. In the order directing petitioner to file a signed petition, petitioner was instructed that a non-attorney may not represent petitioner, nor may he or she file

United States District Court
For the Northern District of California

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

or sign his papers on his behalf. Thus, the affidavit and exhibit filed by Mr. Merriman in response to the order of December 20, 2011, cannot be considered.

As petitioner has not filed a signed amended petition or otherwise responded to the order of December 20, 2011, in a timely fashion and in accordance with that order, the instant petition is **DISMISSED** without prejudice to filing a petition signed by petitioner or an attorney representing him. *See* Fed. R. Civ. P. 11(a).

The clerk shall enter judgment and close the file.

IT IS SO ORDERED.

Dated: January 25, 2012.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE