

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

4 VINCENT HALL,

No. C 13-1426 TEH (PR)

5 Petitioner,

ORDER OF DISMISSAL

6 v.

7 RALPH M. DIAZ, Warden,

8 Respondent.
9
10 _____/

11 On March 29, 2013, Petitioner Vincent Hall, an inmate at
12 the California Substance Abuse Treatment Facility and State Prison,
13 filed a petition for a writ of habeas corpus pursuant to 28 U.S.C.
14 § 2254. On the same date, Petitioner paid the \$5.00 filing fee. On
15 April 24, 2013, the Court issued an Order Regarding Mixed Petition
16 in which it found that Petitioner had filed a mixed petition
17 containing exhausted and unexhausted claims because Petitioner had
18 indicated in his petition that one of his claims was unexhausted.
19 In the Order, the Court explained to Petitioner that a federal court
20 must dismiss a mixed petition and provided him with an opportunity
21 to amend the petition by withdrawing the unexhausted claim and
22 proceeding only on the exhausted claim, or to dismiss the mixed
23 petition and return to federal court with a new petition once all
24 claims were exhausted. The Court also explained that Petitioner
25 could seek a stay of the petition.

26 The Court granted Petitioner thirty days from the date of the
27 Order to inform the Court how he wished to proceed with his mixed
28 petition. The Court notified Petitioner that failure to respond

1 within thirty days would result in the dismissal of the petition
2 without prejudice to filing a new petition containing only exhausted
3 claims.

4 More than thirty days have past and Petitioner has not notified
5 the Court how he would like to proceed with his mixed petition nor
6 has he communicated with the Court in any manner.

7 Therefore, the petition is dismissed without prejudice to
8 refiling a new petition containing only exhausted claims.

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10 IT IS SO ORDERED.

11
12 DATED 6/11/2013



13 _____
14 THELTON E. HENDERSON
15 United States District Judge
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