

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
NORTHERN DISTRICT OF CALIFORNIA

GERALD H. STOLP,
Plaintiff,

v.

PEOPLE OF THE STATE OF
CALIFORNIA,
Defendant.

Case No. [16-cv-00498-JD](#)


ORDER

This pro se habeas action was initiated when petitioner filed a motion for a stay. On that same day the Court notified petitioner that he needed to file a petition and a blank petition was sent to him. Petitioner was informed that if he did not submit a petition within twenty-eight days the case would be dismissed. No petition has been received. Without an underlying petition or case and controversy, the Court cannot rule on the motion to stay. The Court notes that based on petitioner's filing it appears that the expiration of the statute of limitations is near. Therefore, petitioner will be provided another opportunity to file a petition.

Moreover, it is not clear if this is the correct venue. It appears that petitioner was convicted in Calaveras County, which is in the Eastern District of California. When petitioner files a petition he must indicate the county where his conviction occurred. Petitioner will be provided until **May 23, 2016**, to file a petition.

IT IS SO ORDERED.

Dated: April 19, 2016



JAMES DONATO
United States District Judge

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 GERALD H. STOLP,
4 Plaintiff,

5 v.

6 PEOPLE OF THE STATE OF
7 CALIFORNIA,
8 Defendant.

Case No. [16-cv-00498-JD](#)

CERTIFICATE OF SERVICE

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.
10 District Court, Northern District of California.

11
12 That on April 19, 2016, I SERVED a true and correct copy(ies) of the attached, by placing
13 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
14 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
15 receptacle located in the Clerk's office.

16
17 Gerald H. Stolp ID: ID: AK4738
18 California Correctional Institution
19 P.O. Box 1902
20 Tehachapi, CA 93581

21 Dated: April 19, 2016

22
23 Susan Y. Soong
24 Clerk, United States District Court

25 By: 
26 LISA R. CLARK, Deputy Clerk to the
27 Honorable JAMES DONATO
28