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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID CHARLES MOON,
Petitioner,
v.
DAVID LONG,
Respondent.


Case No. [16-cv-00679-JD](#)

**ORDER OF DISMISSAL AND
DENYING CERTIFICATE OF
APPEALABILITY**

This is a habeas case filed pro se by a state prisoner. The Court ordered respondent to file a response but noted that the petition appeared to be untimely and respondent should consider whether a motion to dismiss for untimeliness was appropriate. However, petitioner has filed a notice of abandonment of the petition. Docket No. 9. Pursuant to petitioner’s filing, this case is **DISMISSED** without prejudice under Rule 41(a) of the Federal Rules of Civil Procedure. Because reasonable jurists would not find the result here debatable, a certificate of appealability (“COA”) is **DENIED**. See *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000) (standard for COA). The Clerk shall close the file.

IT IS SO ORDERED.

Dated: August 30, 2016



JAMES DONATO
United States District Judge

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 DAVID CHARLES MOON,
4 Plaintiff,
5 v.
6 DAVID LONG,
7 Defendant.
8

Case No. [16-cv-00679-JD](#)

CERTIFICATE OF SERVICE

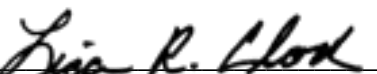
9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.
10 District Court, Northern District of California.

11
12 That on August 30, 2016, I SERVED a true and correct copy(ies) of the attached, by
13 placing 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 David Charles Moon ID: G13873
18 California City Correctional Facility (CAC)
19 P.O. Box 2760
20 California City, CA 93504

21 Dated: August 30, 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