

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANNY RAY HACKETT,
Petitioner.

Case No. [17-cv-00941-VC](#) (PR)

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

On February 23, 2017, Danny Ray Hackett, Jr., a state prisoner, filed a document with the Court which the Clerk of the Court opened as a habeas corpus action. On the same day the action was opened, the Clerk sent a notice to Hackett that his action could not go forward until he filed a completed petition for a writ of habeas corpus on the Court's form. The Clerk also notified Hackett that he must submit a completed prisoner's *in forma pauperis* ("IFP") application or pay the \$5.00 filing fee. The Clerk sent Hackett a blank petition for a writ of habeas corpus and a blank IFP application and told him that he must file the petition and either pay the \$5.00 fee or return the completed IFP application within twenty-eight days of the date of the notice or his action would be dismissed.

Although Hackett has filed a petition, he has not paid the filing fee, returned the IFP application or otherwise communicated with the Court.

Therefore, this action is dismissed without prejudice. Hackett may re-file his claims in a separate case using the proper form for a federal petition for a writ of habeas corpus with the \$5.00 filing fee or completed IFP application. The Clerk shall terminate all pending motions, enter a separate judgment and close the file.

IT IS SO ORDERED.

Dated: May 26, 2017



VINCE CHHABRIA
United States District Judge