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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MELVIN JOSEPH SIMMONS, D66671,
Petitioner,
v.
THE STATE OF CALIFORNIA, et al.,
Respondent(s).

Case No. [17-cv-07188-CRB](#) (PR)

ORDER OF DISMISSAL

(ECF No. 4)


This purported habeas action by a state prisoner was filed on December 19, 2017. The court notified petitioner in writing at that time that the action was deficient because petitioner did not pay the requisite \$5.00 filing fee or, instead, submit a signed and completed court-approved in forma pauperis (IFP) application, including a completed certificate of funds in the prisoner's account and a copy of the prisoner's trust account statement for the last six months. See 28 U.S.C. § 1915(a)(2). Petitioner was advised that failure to file the requested items within 28 days would result in dismissal of the action.

But more than two months have elapsed and petitioner still has not provided the court with the requisite items. To date, petitioner only has filed an incomprehensible IFP application with no pertinent personal financial or trust account information. Petitioner's incomplete IFP application (ECF No. 4) is DENIED and the action is DISMISSED without prejudice.

The clerk shall close the file.

IT IS SO ORDERED.

Dated: March 12, 2018


CHARLES R. BREYER
United States District Judge

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MELVIN JOSEPH SIMMONS,
Plaintiff,
v.
THE STATE OF CALIFORNIA, et al.,
Defendants.

Case No. 3:17-cv-07188-CRB

CERTIFICATE OF SERVICE

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

That on March 12, 2018, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Melvin Joseph Simmons ID: D-66671
California State Prison Sacramento
Facility B Building 4 Cell #112
P.O. Box 290066
Represa, CA 95671

Dated: March 12, 2018

Susan Y. Soong
Clerk, United States District Court

By: 
Lashanda Scott, Deputy Clerk to the
Honorable CHARLES R. BREYER