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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LACEY SIVAK,
Petitioner,
v.
WILLIAM A. FLETCHER, et al.,
Respondents.

Case No. [23-cv-06013-TLT](#)**ORDER OF DISMISSAL**

Petitioner, an Idaho state prisoner proceeding *pro se*, filed a petition for writ of mandamus seeking to compel certain conduct by Ninth Circuit Court of Appeals judges. ECF 1. Petitioner also simultaneously filed a “request to proceed without costs on claim of imminent danger,” stating that petitioner “is illegally held, and, any crimes committed on [him] are imminent danger.” ECF 2 at 2.

That same day, the Clerk of the Court informed petitioner that this action was deficient because he had not submitted an *in forma pauperis* (IFP) application or paid the filing fee. ECF 3. The Court informed petitioner that he needed to correct the deficiencies within twenty-eight days from the date of the notice to avoid dismissal of this action. *Id.* The deadline has passed, and petitioner has not submitted an IFP application or paid the fee.

The Court therefore **DISMISSES** this action without prejudice. Because this dismissal is without prejudice, petitioner may move to reopen the action. Any such motion must contain either the \$405 filing fee or a complete *in forma pauperis* application. Petitioner should be aware that his petition does not meet the imminent danger standard for the exception to the three-strikes bar on filing IFP. *See Ray v. Lara*, 31 F.4th 692, 701 (9th Cir. 2022).

The clerk shall terminate any pending motions, enter judgment for respondents, and close


United States District Court
Northern District of California

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the file.

IT IS SO ORDERED. Dated:

February 5, 2024



TRINA L. THOMPSON
United States District Judge