

1 IN THE UNITED STATES DISTRICT COURT  
2  
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA

4 JAMES EDWARD THOMAS,  
5  
6 Petitioner,

No. C 08-03565 SBA (PR)

**ORDER OF DISMISSAL WITHOUT  
PREJUDICE**

7 v.

8 WALKER, Warden, et al.,  
9 Respondents.

10  
11 Petitioner, a state prisoner, filed the present petition for a writ of habeas corpus pursuant to  
12 28 U.S.C. § 2254. On the same day the action was filed the Court sent a notification to Petitioner  
13 informing him that his action could not go forward until he paid the filing fee or filed a completed  
14 prisoner's in forma pauperis application. The Clerk of the Court sent Petitioner a blank in forma  
15 pauperis application and told him that he must pay the fee or return the completed application within  
16 thirty days or his action would be dismissed. Petitioner did not respond to the Clerk's notice.

17 On October 22, 2008, the Court issued an Order Directing Payment of Filing Fee or Filing of  
18 In Forma Pauperis Application. The Clerk sent Petitioner another blank in forma pauperis  
19 application. The Court directed Petitioner to either pay the fee or return the completed application  
20 within thirty days or his action would be dismissed.

21 More than thirty days have passed and Petitioner has not paid the filing fee, returned the in  
22 forma pauperis application or otherwise communicated with the Court. Accordingly, this action is  
23 DISMISSED WITHOUT PREJUDICE. The Court has rendered its final decision on this matter;  
24 therefore, this Order TERMINATES Plaintiff's case.

25 IT IS SO ORDERED.

26 DATED: 12/17/08

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28 SAUNDRA BROWN ARMSTRONG  
United States District Judge

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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

JAMES EDWARD THOMAS,  
Plaintiff,

Case Number: CV08-03565 SBA

**CERTIFICATE OF SERVICE**

v.

WALKER et al,  
Defendant.

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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 December 19, 2008, 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.

James Edward Thomas F-21197  
California State Prison - Sacramento/Folsom  
P.O. Box 290066  
Represa, CA 95670-0066

Dated: December 19, 2008

Richard W. Wieking, Clerk  
By: LISA R CLARK, Deputy Clerk