

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STEVEN WOLF,

Petitioner,

v.

STATE OF CALIFORNIA, DEPARTMENT
OF CORRECTIONS,

Respondent.

No. C 08-03949 CW (PR)

ORDER OF DISMISSAL WITHOUT
PREJUDICE

Petitioner, a state prisoner, filed the present petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On November 24, 2008, mail directed to Petitioner by the Court was returned to the Clerk of the Court with a notation that it was undeliverable. To date, Petitioner has not updated his address with the Court or submitted any further pleadings in this case.

Pursuant to Northern District Local Rule 3-11 a party proceeding pro se whose address changes while an action is pending must promptly file a notice of change of address specifying the new address. See L.R. 3-11(a). The court may, without prejudice, dismiss a complaint when: (1) mail directed to the pro se party by

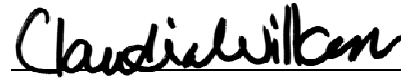
1 the court has been returned to the court as not deliverable, and
2 (2) the court fails to receive within sixty days of this return a
3 written communication from the pro se party indicating a current
4 address. See L.R. 3-11(b).

5 More than sixty days have passed since the mail directed to
6 Petitioner by the Court was returned as undeliverable. The Court
7 has not received a notice from Petitioner of a new address.
8 Accordingly, the petition is DISMISSED without prejudice pursuant
9 to Rule 3-11 of the Northern District Local Rules. Petitioner's
10 application to proceed in forma pauperis (docket no. 4) is DENIED
11 as incomplete.

12 The Clerk of the Court shall enter judgment in accordance with
13 this Order, terminate all pending motions, and close the file.

14 IT IS SO ORDERED.

15 Dated: 2/2/09



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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

4 STEVEN WOLF,

5 Plaintiff,

6 v.

7 STATE OF CALIFORNIA et al,

8 Defendant.

Case Number: CV08-03949 CW

CERTIFICATE OF SERVICE

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

11 That on February 2, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
14 in the Clerk's office.

15 Steven Wolf
16 PFN #UKX495 CDC #F13128
17 5325 Broder Blvd.
18 Dublin, CA 94568

Dated: February 2, 2009

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk

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For the Northern District of California