

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

4
5 JAMES EDWARD THOMAS,
6
7 Petitioner,

No. C 08-04068 SBA (PR)

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

7 v.

8 J. WALTERS, Warden,
9
10 Respondent.

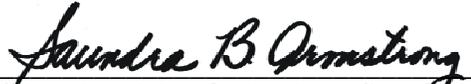
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12 Petitioner, a state prisoner, filed the present petition for a writ of habeas corpus pursuant to
13 28 U.S.C. § 2254. On the same day the action was filed the Court sent a notification to Petitioner
14 informing him that his action could not go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

18 On October 23, 2008, the Court issued an Order Directing Payment of Filing Fee or Filing of
19 In Forma Pauperis Application. The Clerk sent Petitioner another blank in forma pauperis
20 application. The Court directed Petitioner to either pay the fee or return the completed application
21 within thirty days or his action would be dismissed.

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

26 IT IS SO ORDERED.

27 DATED: 12/10/08

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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: CV08-04068 SBA
CERTIFICATE OF SERVICE

v.

J WALTERS et al,
Defendant.

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 12, 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 12, 2008

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