

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

JOSE LUIS RICO,

Petitioner,

v.

JOHN DOE,

Respondent.

No. C 08-05338 SBA (PR)

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

Petitioner, a state prisoner filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. After conducting a preliminary review of the petition, the Court found that Petitioner had not specified any violation of federal law in his petition; therefore, the Court could not fairly evaluate the petition in its present state. The Court dismissed the petition and granted Petitioner thirty days to file an amended petition curing the pleading deficiencies, or to suffer dismissal of the petition without prejudice. The Court also noted that Petitioner had paid the filing fee.

More than thirty days have passed, and Petitioner has failed to file an amended petition. Accordingly, this action is DISMISSED without prejudice. The Court has rendered its final decision on this matter; therefore, this Order TERMINATES Plaintiff's case. The Clerk of the Court shall close the file.

IT IS SO ORDERED.

DATED: 9/8/09


SAUNDRA BROWN ARMSTRONG
United States District Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JOSE LUIS RICO,
Plaintiff,
v.
/ et al,
Defendant.

Case Number: CV08-05338 SBA
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 September 9, 2009, 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.

Jose Luis Rico G01731
California Medical Facility
P.O. Box 2000
Vacaville, CA 95696-2000

Dated: September 9, 2009

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