

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

3
4 ANTHONY E. JOHNSON,

No. C 08-05405 CW (PR)

5 Petitioner,

ORDER OF DISMISSAL WITHOUT
PREJUDICE

6 v.

7 BILL LOCKYER, Warden,

8 Respondent.
9 _____/

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

19 On December 18, 2008, Petitioner filed an in forma pauperis
20 application along with his prison trust account statement; however,
21 Petitioner did not file a copy of his Certificate of Funds.

22 On February 10, 2009, the Court issued an Order Regarding In
23 Forma Pauperis Motion. The Court directed Petitioner either to pay
24 the fee or file a copy of his Certificate of Funds within thirty
25 days or his action would be dismissed.

26 On February 19, 2009, Petitioner filed another prison trust
27 account statement but again failed to file a copy of his
28 Certificate of Funds.

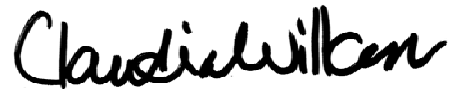
1 More than thirty days have passed and Petitioner has not paid
2 the filing fee or filed a copy of his Certificate of Funds.
3 Therefore, his in forma pauperis application is incomplete.

4 Accordingly, this action is DISMISSED WITHOUT PREJUDICE.
5 Petitioner's in forma pauperis application is DENIED as incomplete.
6 The Clerk of the Court shall close the file.

7 This Order terminates Docket no. 3.

8 IT IS SO ORDERED.

9
10 Dated: 3/25/09



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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

4 ANTHONY E. JOHNSON,

5 Plaintiff,

6 v.

7 BILL LOCKYER et al,

8 Defendant.

Case Number: CV08-05405 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 March 25, 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 Anthony E. Johnson K-00750
16 FA-5-118L
17 CSP-Sacramento
18 P.O. Box 290066
19 Represa, CA 95671-0066

20 Dated: March 25, 2009

21 Richard W. Wiekling, Clerk
22 By: Sheilah Cahill, Deputy Clerk
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27
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