

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

4
5 SERGIO ALVAREZ,

No. C 10-00067 SBA (PR)

6 Petitioner,

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

7 v.

8 CALIFORNIA DEPARTMENT OF
9 CORRECTIONS AND REHABILITATION, et
al.,

10 Respondents.
_____ /

11 On January 6, 2010, Petitioner, a state prisoner, filed the present petition for a writ of habeas
12 corpus pursuant to 28 U.S.C. § 2254. On the same day the action was filed the Court sent a
13 notification to Petitioner informing him that his action could not go forward until he paid the filing
14 fee or filed a completed prisoner's in forma pauperis application. The Clerk of the Court sent
15 Petitioner a blank in forma pauperis application and told him that he must pay the fee or return the
16 completed application within thirty days or his action would be dismissed.

17 More than thirty days have passed and Petitioner has not paid the filing fee, returned the in
18 forma pauperis application or otherwise communicated with the Court. Accordingly, this action is
19 DISMISSED WITHOUT PREJUDICE. The Court has rendered its final decision on this matter;
20 therefore, this Order TERMINATES Petitioner's case. The Clerk of the Court shall close the file.

21 IT IS SO ORDERED.

22
23 DATED: 2/8/10

Sandra B. Armstrong

SAUNDRA BROWN ARMSTRONG
United States District Judge

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

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6 SERGIO ALVAREZ,
7 Plaintiff,

Case Number: CV10-00067 SBA
CERTIFICATE OF SERVICE

8 v.
9 CA DEPT OF CORRECTIONS et al,
10 Defendant.

11
12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
Court, Northern District of California.

13 That on February 17, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
15 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
located in the Clerk's office.

16
17 Sergio Alvarez K42605
18 Pelican Bay State Prison
19 P.O. Box 7500
Crescent City, CA 95532-7500

20 Dated: February 17, 2010

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

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