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## IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

ADRIAN T. MOSQUEDA,

No. C 10-00595 CW (PR)

Petitioner,

ORDER OF DISMISSAL

v.

FRANCISCO JAQUEZ, Warden, et al.,

Respondents.

This case was commenced when Petitioner filed a document captioned "Petition For A Writ of Habeas Corpus." He challenges his indeterminate placement in the Pelican Bay State Prison

Security Housing Unit based on his validation as a gang member. On June 25, 2010, the Court issued an order of dismissal with leave to amend and gave Petitioner thirty days from the date of the Order to amend to allege a § 1983 action because his claims were not cognizable in federal habeas corpus. Failure to timely file a civil rights complaint would result in dismissal for failure to prosecute. The time for Petitioner to file his complaint has passed, and no complaint has been filed. Accordingly,

IT IS HEREBY ORDERED that the "Petition For A Writ of Habeas Corpus" in the above-captioned action is dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

All pending motions are TERMINATED. The Clerk of the Court shall enter judgment in accordance with this Order and close the file.

IT IS SO ORDERED.

Dated: 7/30/2010

CLAUDTA WI

UNITED STATES DISTRICT JUDGE

1	UNITED STATES DISTRICT COURT
2	FOR THE NORTHERN DISTRICT OF CALIFORNIA
3	ADRIAN T. MOSQUEDA,
4	Case Number: CV10-00595 CW Plaintiff,
5	CERTIFICATE OF SERVICE
6	v. FRANCISCO JAQUEZ et al,
7	
8	Defendant.
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 July 30, 2010, 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
12	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.
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14	
15	Adrian Tamayo Mosqueda E-08547 D7-209-SHU
16	Pelican Bay State Prison P.O. Box 7500
17	Crescent City, CA 95532
18	Dated: July 30, 2010  Richard W. Wieking, Clerk
19	By: Nikki Riley, Deputy Clerk
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