

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

3  
4 RONALD VELASQUEZ,

No. C 10-01814 SBA (PR)

5 Petitioner,

**ORDER OF DISMISSAL WITHOUT  
PREJUDICE; AND TERMINATING  
PENDING MOTIONS**

6 v.

7 GEORGE J. GIURBINO, et al.,

8 Respondents.

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11 Petitioner, a state prisoner, filed the present petition for a writ of habeas corpus pursuant to  
12 28 U.S.C. § 2254. Before the Court are Petitioner's motions for appointment of counsel, for an  
13 evidentiary hearing, and for leave to proceed in forma pauperis.

14 On the same day the action was filed the Court sent a notification to Petitioner informing him  
15 that his action could not go forward until he paid the filing fee or filed a completed in forma  
16 pauperis application. The Clerk of the Court sent Petitioner a blank in forma pauperis application  
17 and told him that he must pay the fee or return the completed application within thirty days or his  
18 action would be dismissed.

19 On May 26, 2010, Petitioner filed a motion for extension of time to file the requisite filing  
20 fee. On the same day, Petitioner filed an in forma pauperis application and prisoner trust account  
21 statement; however, he did not file copies of his certificate of funds.

22 On June 21, 2010, the Court issued an Order Regarding In Forma Pauperis Motion. The  
23 Court directed Petitioner to either pay the fee or submit his certificate of funds within thirty days of  
24 the date of the Order. Petitioner was also informed that the failure to pay the filing fee or file his  
25 certificate of funds within the thirty-day deadline shall result in dismissal of this action.

26 More than thirty days have passed, and Petitioner has not paid the filing fee or filed a copy of  
27 his certificate of funds. Accordingly, this action is DISMISSED WITHOUT PREJUDICE. The  
28 Court has rendered its final decision on this matter; therefore, this Order TERMINATES Petitioner's  
case. Petitioner's in forma pauperis application is DENIED as incomplete.

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The Clerk of the Court shall terminate all pending motions as moot and close the file.

This Order terminates Docket nos. 4, 5, and 7.

IT IS SO ORDERED.

DATED: 8/26/10

  
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 RONALD VELASQUEZ,  
7 Plaintiff,

Case Number: CV10-01814 SBA

**CERTIFICATE OF SERVICE**

8 v.

9 GEORGE J. GIURBINO 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 August 26, 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 Ronald Velasquez T-45458  
18 Pelican Bay State Prison  
19 P.O. Box 7500 SHU C6/113  
Crescent City, CA 95531-7500

20 Dated: August 26, 2010

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