

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

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CLAUDE MILLER,  
Petitioner,

No. C 10-02683 SBA (PR)

**ORDER OF DISMISSAL WITHOUT  
PREJUDICE**

v.

JOHN DOE,  
Respondent.

United States District Court  
For the Northern District of California

On June 18, 2010, Petitioner, a state prisoner, filed a letter which the Court construed as his intention to file a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On the same day the action was filed, the Clerk of the Court sent a notification to Petitioner informing him that his action could not go forward until he paid the filing fee or filed a completed prisoner's in forma pauperis application. The Clerk also sent Petitioner a second notification directing him to file a completed habeas corpus petition form. The Clerk sent Petitioner a blank in forma pauperis application and a blank habeas petition form and told him that he must pay the fee or return the completed forma pauperis application as well as complete the habeas petition form within thirty days or his action would be dismissed.

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

IT IS SO ORDERED.

DATED: 8/26/10

*Saundra B. Armstrong*  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

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

4 CLAUDE MILLER,

5 Plaintiff,

6 v.

7 // et al,

8 Defendant.

Case Number: CV10-02683 SBA

**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 August 26, 2010, 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  
14 located in the Clerk's office.

15 Claude Miller K83748  
16 California Institute for Men State Prison  
17 P.O. Box 600  
18 Chino, CA 91708

19 Dated: August 26, 2010

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