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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

WILLIAM M. ALLEN,

No. C 10-04516 CW (PR)

Petitioner,

ORDER OF DISMISSAL WITHOUT
PREJUDICE

v.

M. MARTEL, Warden,

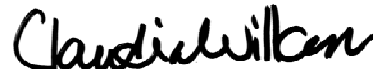
Respondent.

On October 6, 2010, Petitioner, a state prisoner, filed the present petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He also filed an in forma pauperis(IFP) application; however, he did not file copies of his certificate of funds and prisoner trust account statement. On the same day the action was filed the Court sent a notification to Petitioner informing him that his IFP application was deficient due to the failure to include a signed certificate of funds and a prisoner trust account statement for the previous six months. The Clerk of the Court sent Petitioner a blank in forma pauperis application and told him that he must pay the fee or return the completed application 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 or otherwise communicated with the Court. Accordingly, this action is DISMISSED WITHOUT PREJUDICE. The Clerk of the Court shall close the file.

IT IS SO ORDERED.

Dated: 11/17/2010

CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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

4 WILLIAM M. ALLEN,
5 Plaintiff,

Case Number: CV10-04516 CW

CERTIFICATE OF SERVICE

6 v.

7 M. MARTEL et al,
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 November 18, 2010, I SERVED a true and correct copy(ies) of the attached, by placing
12 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
13 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office
14 delivery receptacle located in the Clerk's office.

15 William M. Allen C-35239
16 Mule Creek State Prison
17 P.O. Box 409060
18 Ione, CA 95640

Dated: November 18, 2010

Richard W. Wieking, Clerk
By: Nikki Riley, Deputy Clerk