

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

3                    MICHAEL L. WEIBEL,

No. C 11-04281 CW (PR)

4                                    Petitioner,

ORDER OF DISMISSAL WITHOUT  
PREJUDICE

5                    v.

6                    MICHAEL HENNESSY, Sheriff, San  
7                    Francisco County,

8                                    Respondent.  
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10                    On August 30, 2011, Petitioner, a state prisoner, filed the  
11 present petition for a writ of habeas corpus pursuant to 28 U.S.C.  
12 § 2254. He also filed a completed in forma pauperis application  
13 and his prisoner trust account statement; however, he did not file  
14 his certificate of funds signed by prison officials. On the same  
15 day the action was filed the Court sent a notification to  
16 Petitioner informing him that his action could not go forward until  
17 he paid the filing fee or filed a certificate of funds signed by  
18 prison officials. The Clerk of the Court sent Petitioner a blank  
19 in forma pauperis application and told him that he must pay the fee  
20 or return a completed application along with the signed certificate  
21 of funds within thirty days or his action would be dismissed.

22                    On September 2, 2011, the Court received from Petitioner a  
23 letter stating that he was having trouble obtaining a copy of his  
24 certificate of funds. The letter was mailed on August 28, 2011,  
25 two days before the Court sent Petitioner the above notice  
26 providing him an additional thirty days to file a signed  
27 certificate of funds.

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1 More than thirty days have passed since the Court's notice was  
2 sent to Petitioner, and Petitioner has not paid the filing fee,  
3 returned the signed certificate of funds or otherwise communicated  
4 with the Court. Accordingly, this action is DISMISSED WITHOUT  
5 PREJUDICE. The Clerk of the Court shall close the file.

6 IT IS SO ORDERED.

7 Dated: 10/7/2011

  
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CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

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

4 MICHAEL L WEIBEL,

5 Plaintiff,

6 v.

7 MICHAEL HENNESSY et al,

8 Defendant.

Case Number: CV11-04281 CW

**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 October 7, 2011, 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 located  
14 in the Clerk's office.

15 Michael L. Weibel AG7988  
16 P.O. Box 2210  
17 Susanville, CA 96127

Dated: October 7, 2011

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