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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

JIMMY LEE DAVIS,

No. C 11-04337 CW (PR)

Petitioner,

ORDER OF DISMISSAL

v.

STATE OF CALIFORNIA,

Respondent.

On August 31, 2011, Petitioner, a state prisoner incarcerated at the San Francisco County Jail, filed a document with the Court entitled, "Complaint, Case No. 11675352," which was opened as a habeas corpus action. In the document, Petitioner appears to be challenging the validity of his arrest on August 11, 2011, and pending criminal prosecution.

On the same day the action was filed the Clerk of the Court sent a notice to Petitioner informing him that his action could not go forward until he filed with the Court a habeas corpus petition form, completed in full, within thirty days and if he did not, his action would be dismissed. He was also sent another notice directing him to either pay the filing fee or file a completed prisoner's in forma pauperis (IFP) application. The Clerk sent Petitioner a blank IFP 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 since the Clerk sent the above two notices to Petitioner, and Petitioner has not filed a habeas corpus petition, paid the filing fee or filed an IFP application, or otherwise communicated with the Court.


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Accordingly, this action is DISMISSED without prejudice for failure to comply with the Court's Order.

The Clerk shall enter judgment in accordance with this Order, terminate all pending motions and close the file.

IT IS SO ORDERED.

Dated: 10/7/2011



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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

4 JIMMY LEE DAVIS,
5 Plaintiff,

Case Number: CV11-04337 CW

CERTIFICATE OF SERVICE

6 v.

7 CALIFORNIA STATE OF 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 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 Jimmy Lee Davis 11675352
16 B-7
17 850 Bryant St.
18 San Francisco, CA 94103

Dated: October 7, 2011

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