

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

CLARENCE ADIE HARVEY,

No. C 11-06232 SBA (PR)

Petitioner,

ORDER OF DISMISSAL WITHOUT PREJUDICE

v.

G. SWARTHOUT, Warden,

Respondent.

On December 13, 2011, Petitioner, a state prisoner, filed the present petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On December 16, 2011, 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 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.

IT IS HEREBY ORDERED THAT 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: 1/19/12


SAUNDRA BROWN ARMSTRONG
United States District Judge

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

CLARENCE ADIE HARVEY,

Plaintiff,

v.

G. SWARTHOUT et al,

Defendant.

Case Number: CV11-06232 SBA

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 25, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Clarence Adie Harvey F-18007
California State Prison - Solano
2100 Peabody Road
Vacaville, CA 95696

Dated: January 25, 2012

Richard W. Wiekling, Clerk
By: LISA R CLARK, Deputy Clerk