

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

3  
4 MANUEL ZARATE,

No. C 12-6143 CW (PR)

5                                    Petitioner,

ORDER OF DISMISSAL

6                                    v.

7 GREG LEWIS, Warden, et al.

8                                    Respondents.  
9 \_\_\_\_\_/

10                                    Petitioner, a state prisoner, filed this pro se petition for  
11 a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging  
12 his validation as a gang member and resulting indeterminate  
13 retention in the Secured Housing Unit (SHU) at Pelican Bay State  
14 Prison for more than twenty years. He seeks release from the SHU  
15 and expungement of the false information from his prison file.  
16 His arguments appear to be grounded in the First Amendment and the  
17 due process clause of the Fourteenth Amendment.

18                                    On December 28, 2102, the Court dismissed the petition,  
19 finding that Petitioner's claims are not cognizable in federal  
20 habeas corpus because the relief he seeks would not necessarily  
21 shorten his sentence. See Ramirez v. Galaza, 334 F.3d 850, 859  
22 (9th Cir. 2003). The Court granted Petitioner leave to amend to  
23 file a civil rights complaint and pay the \$350.00 filing fee or  
24 file an in forma pauperis application.

25                                    More than thirty days have passed and Petitioner has not  
26 complied with the Court's order or otherwise communicated with the  
27 Court. Accordingly, this case is DISMISSED without prejudice.

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The Clerk of the Court shall enter judgment and close the  
file.

IT IS SO ORDERED.

Dated: 2/7/2013

  
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CLAUDIA WILKEN  
United States District Judge