

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re ADRIAN DAVID JOHNSON,

No. C 13-01424 YGR (PR)

## **ORDER OF DISMISSAL WITHOUT PREJUDICE**

On April 1, 2013, Petitioner, a state prisoner, filed a document with the Court in the instant case, which was opened as a habeas corpus action. 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 twenty-eight days or 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 twenty-eight days or his action would be dismissed.

More than twenty-eight days have passed and Petitioner has not filed his petition, 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 Clerk shall enter judgment, terminate all pending motions, and close the file.

IT IS SO ORDERED.

DATED: May 17, 2013

Yvonne Gonzalez Rogers  
**YVONNE GONZALEZ ROGERS**  
**UNITED STATES DISTRICT COURT JUDGE**