

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 GILBERT GUTIERREZ, No. C 13-01862 YGR (PR)
4 Petitioner, **ORDER OF DISMISSAL WITHOUT**
5 **PREJUDICE**
6 RANDY GROUNDS, Warden,
7 Respondent.

9 On April 24, 2013, Petitioner has filed a pro se petition for a writ of habeas corpus pursuant
10 to 28 U.S.C. § 2254. However, Petitioner has not paid the requisite \$5.00 filing fee or filed an
11 application for leave to proceed in forma pauperis ("IFP").

12 On the same day the action was filed, the Court sent a notification to Petitioner informing
13 him that his action could not go forward until he paid the filing fee or filed a completed prisoner's
14 IFP application. The Clerk of the Court sent Petitioner a blank IFP application and told him that he
15 must pay the fee or return the completed application within twenty-eight days or his action would be
16 dismissed. Petitioner filed copies of the Certificate of Funds and prisoner trust account statement;
17 however, he did not file his IFP application.

18 On June 6, 2013, the Court sent a second notification to Petitioner informing him that he did
19 not file his IFP application. The Court directed Petitioner to either pay the fee or submit his IFP
20 application within twenty-eight days or his action would be dismissed.

21 More than twenty-eight days have passed and Petitioner has not paid the filing fee, submitted
22 his IFP application or otherwise communicated with the Court.

23 IT IS HEREBY ORDERED THAT this action is DISMISSED WITHOUT PREJUDICE.
24 The Clerk shall enter judgment, terminate all pending motions, and close the file.

IT IS SO ORDERED.

26 || DATED: August 15, 2013

Yvonne Gonzalez Rogers
YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE