

United States District Court  
For the Northern District of California

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

BRUCE WAYNE MILLER,

No. C 13-04780 YGR (PR)

Petitioner,

**ORDER OF DISMISSAL WITHOUT  
PREJUDICE**

vs.

JUDGE WONG, California Superior Court,

Respondent.

On October 15, 2013, Petitioner filed the present petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On the same day the action was filed, 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 twenty-eight days or his action would be dismissed. Petitioner filed an *in forma pauperis* application and his prisoner trust account statement; however, he did not file a signed copy of Certificate of Funds.

On December 5, 2013, the Court sent a second notification to Petitioner informing him that he did not file his Certificate of Funds. The Court directed Petitioner to either pay the fee or submit the requisite document within twenty-eight days or his action would be dismissed.

More than twenty-eight days have passed, and Petitioner has not paid the filing fee or filed a signed Certificate of Funds.

IT IS HEREBY ORDERED THAT this action is DISMISSED WITHOUT PREJUDICE. Petitioner's *in forma pauperis* application is DENIED as incomplete. The Clerk shall enter judgment, terminate all pending motions, and close the file.

This Order terminates Docket No. 3.

IT IS SO ORDERED.

DATED: 1/22/14

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE