

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ARMANDO ABREU,  
Petitioner,  
v.  
R. BINKELE,  
Respondent.

Case No. 17-cv-00870-HSG (PR)

**ORDER OF DISMISSAL**

On February 22, 2017, petitioner, proceeding *pro se*, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. That same day, the court sent a notification to petitioner, informing him that he did not pay the filing fee, nor did he file a complete application to proceed *in forma pauperis* (“IFP”). The court provided petitioner with a blank IFP application, along with a notification that the case would be dismissed if petitioner failed to pay the fee, or file a completed application with supporting documentation within twenty-eight days. More than twenty-eight days have passed, and petitioner has not paid the filing fee. Petitioner also has not filed a completed application to proceed IFP.

Accordingly, the instant action is DISMISSED without prejudice. The Clerk shall enter judgment and close the file.

The Court notes that petitioner has filed two documents entitled “Notice of Appeal” in this action. It appears that petitioner may be trying to appeal the dismissal of his petition in Case No. C 17-0117 JCS (PR). If that is the case, petitioner should move to dismiss the appeal in this action

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pursuant to Federal Rule of Appellate Procedure 42 and re-file his notice of appeal using the caption and civil case number in C 17-0117 JCS (PR).

**IT IS SO ORDERED.**

Dated: 4/20/2017

  
HAYWOOD S. GILLIAM, JR.  
United States District Judge