

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 RENE ESPINOZA MARTINEZ,
4 Petitioner,
5
6 v.
7 JAMES ROBERTSON, Warden,
8 Respondent.

Case No. [21-cv-01091-YGR](#) (PR)

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

9 On February 12, 2021, Petitioner, a state prisoner, filed the present petition for a writ of
10 habeas corpus pursuant to 28 U.S.C. § 2254.¹ On the same day the action was filed, the Clerk of
11 the Court sent a notice to Petitioner informing him that his action could not go forward until he
12 paid the filing fee or filed a completed prisoner's *in forma pauperis* ("IFP") application. Dkt. 2.
13 The Clerk sent Petitioner a blank IFP application and told him that he must pay the fee or return
14 the completed application within twenty-eight days or his action would be dismissed. *Id.* at 1.
15 Petitioner did not respond to the first notice.

16 On April 21, 2021, the Clerk sent a second notice to Petitioner informing him that his
17 action could not go forward until he paid the filing fee or filed a completed prisoner's IFP
18 application. Dkt. 6. The Clerk again informed him that his failure to pay the fee or return the
19 completed application within twenty-eight days would result in dismissal of this action. *Id.* at 1.

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

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

24 IT IS SO ORDERED.

25 Dated: June 4, 2021

26 
27 JUDGE YVONNE GONZALEZ ROGERS
28 United States District Judge

¹ This suit was reassigned from a magistrate judge to the undersigned judge. Dkt. 5.