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

ANTOINE GOMIS,	)	
	)	No. C 08-03418 JW (PR)
Petitioner,	)	
	)	ORDER OF DISMISSAL
vs.	)	
U.S. SECRETARY OF STATE, et	)	
al.,	)	
	)	
Respondent(s).	)	

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Petitioner, proceeding pro se, filed the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On July 16, 2008, the clerk of the Court sent petitioner a notice directing him to either pay the full filing fee or file an in forma pauperis application to avoid dismissal of the action. On July 24, 2008, the clerk’s notice was returned by mail to the Clerk of the Court as undeliverable because petitioner was no longer in custody. (Docket No. 31.) As of the date of this order, petitioner has not updated his address with the Court or submitted any further pleadings in this case.

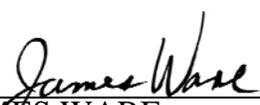
Pursuant to Northern District Local Rule 3-11 a party proceeding pro se must promptly file a notice of change of address while an action is pending. See L.R. 3-11(a). The Court may, without prejudice, dismiss a complaint when: (1) mail

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directed to the pro se party by the Court has been returned to the Court as not deliverable, and (2) the Court fails to receive within sixty days of this return a written communication from the pro se party indicating a current address. See L.R. 3-11(b).

More than sixty days have passed since the clerk's notice addressed to petitioner was returned as undeliverable. The Court has not received a notice from petitioner of a new address. Accordingly, the instant action is DISMISSED without prejudice pursuant to Rule 3-11 of the Northern District Local Rules.

DATED: January 7, 2009

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

ANTOINE GOMIS,

Petitioner,

v.

U.S. SECRETARY OF STATE, et al.,

Respondent(s).

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Case Number: CV08-03418 JW

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 1/7/2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Antoine Gomis 112207  
Yuba County Jail  
PO Box 1031, Housing G  
Marysville, CA 95901-1031

Dated: 1/7/2009

Richard W. Wieking, Clerk  
/s/ By: Elizabeth Garcia, Deputy Clerk