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NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JESSE A. BOSWORTH,

Petitioner,

vs.

Warden,

Respondent.

) No. C 10-04076 JF (PR)

) ORDER OF DISMISSAL; DENYING
) MOTION FOR STAY

) (Docket No. 4)

Petitioner, a state prisoner proceeding pro se, filed a letter on September 10, 2010, requesting that his time to file a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be tolled for one year. (Docket No. 1.) Petitioner did not pay the filing fee. That same day, the clerk of the Court sent a notification to Petitioner that he had thirty days to submit a petition or face dismissal of the action. (Docket No. 2.) The clerk also sent Petitioner a notice that he must file a complete In Forma Pauperis application or pay the full filing fee within thirty days or face dismissal of the action. (Docket No. 3.) The deadline has since passed, and Petitioner has failed to file a petition. Petitioner has also failed to file a completed In Forma Pauperis Application or pay the filing fee.

On October 7, 2010, Petitioner filed a motion to stay and abeyance of unexhausted

1 claims. (Docket No. 4.) The motion is DENIED because Petitioner had not filed a
2 petition or provided the Court with any information with respect to the unexhausted
3 claims he wishes to exhaust under Rhines v. Weber 544 U.S. 269 (2005).

4 Accordingly, this case is DISMISSED without prejudice for failure to pay the
5 filing fee.

6 This order terminates Docket No. 4.

7 IT IS SO ORDERED.

8 Dated: 1/26/11

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11 JEREMY FOGEL
12 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

IN RE:
JESSE A BOSWORTH

Case Number: CV10-04076 JF

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 2/7/11, 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.

Jesse A. Bosworth G-21681
Sierra Conservation Center
5150 O'Byrnes Ferry Road
Jamestown, CA 95327

Dated: 2/7/11

Richard W. Wieking, Clerk