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

HECTOR ARTURO OROPEZA,	)	No. C 10-5916 RMW (PR)
	)	
Petitioner,	)	ORDER VACATING
	)	JUDGMENT; RE-OPENING
v.	)	CASE
	)	
VINCENT S. CULLEN,	)	
	)	
Respondent.	)	
_____	)	

On December 27, 2010, petitioner, a state prisoner proceeding pro se, filed a petition for writ habeas corpus petition pursuant to 28 U.S.C. § 2254. That same day, the court sent a notification to petitioner informing him that he did not file a completed in forma pauperis application, nor did he pay the required filing fee. The court notified petitioner that the case would be dismissed if he failed to pay the fee, or file a completed application with supporting documentation within thirty days. On March 3, 2011, after receiving no communication from petitioner, the court dismissed the case without prejudice. On March 12, 2011, the clerk of the court received and docketed a copy of a receipt, which indicated that petitioner had indeed paid the \$5.00 filing fee on December 30, 2010. On March 16, 2011, petitioner filed a notice of appeal. On June 13, 2011, the Ninth Circuit Court of Appeal remanded this case for the limited purpose of permitting this court to consider the option of withdrawing the dismissal order and reinstating the habeas petition in light of the fee payment.

1 After consideration, the court VACATES the judgment, withdraws the dismissal order,  
2 RE-OPENS this action, and reinstates petitioner's petition for writ of habeas corpus. The court  
3 will screen petitioner's petition for writ of habeas corpus in a separate order.

4 IT IS SO ORDERED.

5 DATED: \_\_\_\_\_

  
RONALD M. WHYTE  
United States District Judge

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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

HECTOR A OROPEZA,  
Plaintiff,

Case Number: CV10-05916 RMW

**CERTIFICATE OF SERVICE**

v.

VINCENT S CULLEN et al,  
Defendant.

\_\_\_\_\_/

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 October 25, 2011, 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.

Hector Arturo Oropeza H-24646  
San Quentin State Prison  
5N-86-Low  
San Quentin, CA

Dated: October 25, 2011

Richard W. Wieking, Clerk  
By: Jackie Lynn Garcia, Deputy Clerk