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

|                     |   |                         |
|---------------------|---|-------------------------|
| IN RE JOHN STOFFER, | ) | No. C 11-03559 EJD (PR) |
| Petitioner.         | ) | ORDER OF DISMISSAL      |
|                     | ) |                         |
|                     | ) |                         |
|                     | ) |                         |
| _____               | ) |                         |

On July 20, 2011, Petitioner filed a document entitled “writ of habeas corpus petition for relief from a/the conviction by person being held wrongfully in state custody” which the Clerk construed as an intent to file a petition for a writ of habeas corpus under 28 U.S.C. § 2254. This document does not contain any specific information regarding the state conviction which Petitioner attempts to challenge, *e.g.*, the place of conviction, actual charges, or the date and terms of his sentence. The Clerk sent a notice to Petitioner that he must file a petition, using the court’s form petition, within thirty days to avoid dismissal of this action. (Docket No. 2.)

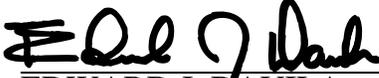
Furthermore, Petitioner did not apply for leave to proceed in forma pauperis or pay the filing fee, so on the same day, the Clerk sent Petitioner a separate notice that he must either pay the full filing fee or file an in forma pauperis application within thirty days or the case would be dismissed. (Docket No. 3.) Along with the notice, Petitioner was mailed the Court’s In Forma Pauperis Application,

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instructions for completing such an application, including a Certificate of Funds form to be completed and signed by a prison official, and a return envelope. (Id.) The deadline has since passed, and Petitioner has not complied.

Accordingly, this case is DISMISSED without prejudice for failure to pay the filing fee. The Clerk shall terminate any pending motions and close the file.

DATED: October 20, 2011

  
EDWARD J. DAVILA  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

IN RE JOHN STOFFER,  
Petitioner.

Case Number: CV11-03559 EJD

**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 10/21/2011, 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.

John Stoffer G 47172  
California Correctional Institute  
P. O. Box 608  
Tehachapi, CA 93581

Dated: 10/21/2011

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