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

KEVIN JEROME POWELL,)	No. C 13-1703 RMW (PR)
)	
Petitioner,)	ORDER OF DISMISSAL
)	
v.)	
)	
G. SWARTHOUT,)	
)	
Respondent.)	
_____)	

On April 16, 2013, petitioner, proceeding *pro se*, filed a motion to stay in abeyance, which commenced this action. The same day, the clerk notified petitioner that he had not paid the filing fee, nor had he filed an application to proceed in forma pauperis (“IFP”). The clerk also notified petitioner that he failed to submit a petition. Along with the deficiency notices, petitioner was provided with a new IFP application and instructions for completing it. Petitioner was further cautioned that his failure to either file a completed IFP application or pay the filing fee within twenty-eight days would result in the dismissal of this action. In addition, petitioner was advised that his failure to file a petition within twenty-eight days would result in the dismissal of this action. To date, petitioner has not filed a petition. Thus, the instant action is DISMISSED without prejudice. The clerk shall enter judgment and close the file.

IT IS SO ORDERED.

DATED: _____

Ronald M. Whyte

 RONALD M. WHYTE
 United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

KEVIN JEROME POWELL,
Plaintiff,

Case Number: CV13-01703 RMW

CERTIFICATE OF SERVICE

v.

WARDEN G. SWARTHOUT 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 June 13, 2013, 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.

Kevin Jerome Powell G-29126
A4-142
Solano - CSP
PO Box 4000
Vacaville, CA 95696

Dated: June 13, 2013

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