

FILED

JUL 23 2013

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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

MARCUS A. NICKELBERRY,  
Petitioner,

v.

PEOPLE OF STATE OF CALIFORNIA,  
Respondent.

No. C 13-02841 EJD (PR)

ORDER ADMINISTRATIVELY  
CLOSING CASE

On June 20, 2013, Petitioner, a state prisoner proceeding pro se, filed a petition for writ of habeas corpus under 28 U.S.C. § 2254. The same day, the Clerk of the Court sent Petitioner a notice that his In Forma Pauperis Application was insufficient because it lacked the required supporting documentation. (See Docket No. 3.) Petitioner was directed to file the missing documents within twenty-eight days of the notice to avoid dismissal of the action. (Id.)

On July 18, 2013, Petitioner filed a letter indicating that he had sent two copies of his federal petition to the Court on separate dates. (Docket No. 4.) It appears that these copies were opened as two separate actions: Case No. 13-02486 EJD (PR), and the above entitled action. Accordingly, the Clerk shall ADMINISTRATIVELY CLOSE this case as duplicative. Because this case was opened in error, no filing fee is due.

DATED: 7/22/13

  
EDWARD J. DAVILA  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

MARCUS NICKELBERRY,  
Petitioner,

Case Number: CV13-02841 EJD

**CERTIFICATE OF SERVICE**

v.

PEOPLE OF THE STATE OF CALIFORNIA,  
Respondent.

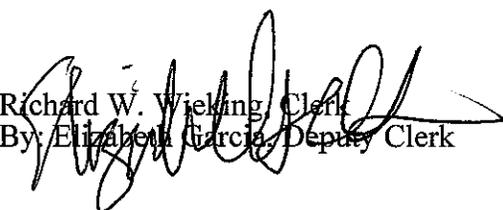
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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 7/23/13, 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.

Marcus A. Nickelberry AF1955  
LOS ANGELES  
METROPOLITAN DETENTION CENTER  
Inmate Mail/Parcels  
P.O. BOX 4490  
Lancaster, CA 93539

Dated: 7/23/13

  
Richard W. Wiekling, Clerk  
By: Elizabeth Garcia, Deputy Clerk