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## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

CARL A.R. HITLER aka CARL RENOWITZKY,

Petitioner,

v.

UNITED STATES OF AMERICA, et al., Respondents.

Case No. 18-03172 BLF (PR)

## ORDER STRIKING AMENDED **COMPLAINT**

(Docket No. 10)

On May 29, 2018, Petitioner, a California state prisoner, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. (Docket No. 1.) Petitioner also filed a motion for leave to proceed in forma pauperis ("IFP"). (Docket No. 4.) On the same day, the Clerk sent a notice to Petitioner informing him that the IFP motion was deficient in that he had failed to include a Certificate of Funds in Prisoner's Account and a prisoner trust account statement showing six months of transactions. (Docket No. 5.) Petitioner was advised that if he did not pay the filing fee or file a complete IFP application within twenty-eight days, his case would be dismissed. (Id.) When the time for Petitioner to respond had expired with no further communication from him, the Court dismissed the matter and entered judgment on July 9, 2018. (Docket Nos. 7, 8.)

On November 7, 2019, Petitioner filed a 9-page, handwritten document titled "Complaint Petition Notice for the Criminal Violations & First Amendment Free Exercise

of Religion Civil Rights," which the Clerk docketed as an "amended complaint." (Docket No. 10.) This matter has been closed for well over a year, with no communication from Petitioner since July 9, 2018, until the filing of this document. There is no record that Petitioner ever paid the filing fee, nor does Petitioner present any basis for reopening this action. Accordingly, the Court finds this document should be stricken from the docket and returned to Petitioner.

Petitioner is advised that if he wishes to pursue a petition for a writ of habeas corpus under 28 U.S.C. § 2254 or a civil rights action under 42 U.S.C. § 1983, he must do so by using the appropriate court form and be subject to the filing fees.

The Clerk shall enclose a copy of the court's form petition and complaint, an *In*Forma Pauperis Application, along with a copy of this order and the document filed under Docket No. 10 in this matter to Petitioner.

## IT IS SO ORDERED.

Dated: \_November 13, 2019\_

BETH LABSON FREEMAN United States District Judge