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

CHARLES HEAD,

Plaintiff,

No. CIV S-09-2138 FCD EFB P

vs.

SACRAMENTO COUNTY JAIL,

ORDER

Defendants.

_____ /

Plaintiff is a pretrial detainee, currently housed in the Sacramento County Jail, attempting to bring an action pursuant to 42 U.S.C. § 1983 without counsel. On August 11, 2009, the court found that plaintiff had failed to submit the required filing fee under 28 U.S.C. § 1914(a) or the application to proceed without prepayment of fees and costs under 28 U.S.C. § 1915(a). The court further found that, although plaintiff had filed a motion for temporary restraining order, he had not filed a complaint as required by Federal Rule of Civil Procedure 3. The court granted plaintiff thirty days to file a complaint and either an application to proceed in forma pauperis (“IFP”) or the requisite filing fee.

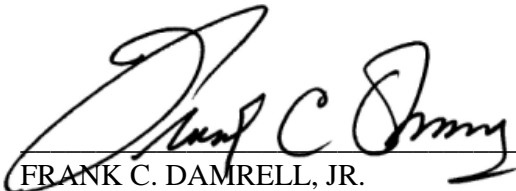
The thirty-day period has passed and plaintiff has not filed a complaint, the required filing fee or IFP application or otherwise responded to the court’s order. Accordingly, this

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1 action is dismissed without prejudice. See 28 U.S.C. § 1914(a), 1915(a); Fed. R. Civ. P. 3,
2 41(b); Local Rule 11-110.

3 IT IS SO ORDERED.

4 DATED: October 8, 2009.

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6 FRANK C. DAMRELL, JR.
7 UNITED STATES DISTRICT JUDGE
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