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

DERRICK HARPER,
Plaintiff,

vs.

DOCTOR MARTIN,
Defendants.

No. C 06-3850 JSW (PR)

ORDER OF DISMISSAL

On June 20, 2006, Plaintiff, a state prisoner, filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. On that same day, the Court sent a notification to Plaintiff that he must pay the filing fee or file a complete application for leave to proceed *in forma pauperis* (docket no. 2). The Court’s notice on June 20, 2006 warned Plaintiff that the case would be dismissed if Plaintiff failed to file the completed application and documents within thirty days (docket no. 2).


After the Court gave Plaintiff one extension and he did not subsequently contact the Court or provide the required complete application for a lengthy period after informing the Court of an expected release date and address, the Court ordered Plaintiff to show cause within 20 days of April 22, 2009 why the case should not be dismissed for failure to prosecute or to comply with the Court’s order. More than twenty days have passed since April 22, 2009 and Plaintiff has not responded to the Court’s order.

Accordingly, this case is DISMISSED without prejudice for failure to prosecute and to comply with a court order pursuant to Federal Rule of Civil Procedure 41(b). *See*

1 *Link v. Wabash R.R.*, 370 U.S. 626, 633 (1962); *McKeever v. Block*, 932 F.2d 795, 797
2 (9th Cir. 1991). The Clerk shall close the file and enter judgment in this matter.

3 IT IS SO ORDERED.

4 DATED: May 26, 2009

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6 JEFFREY S. WHITE
7 United States District Judge

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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
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5 DERRICK HARPER,
6 Plaintiff,
7

Case Number: CV06-03850 JSW

CERTIFICATE OF SERVICE

8 v.

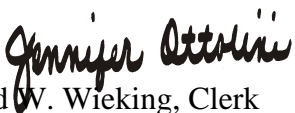
9 DOCTOR MARTIN,
10 Defendant.
_____ /

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

13 That on May 26, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
15 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
16 receptacle located in the Clerk's office.

17 Derrick Harper
18 P05844
19 P.O. Box 1906
20 Tehachapi, CA 93581

21 Dated: May 26, 2009


22 Richard W. Wieking, Clerk
23 By: Jennifer Ottolini, Deputy Clerk
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