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

IN RE ROBERT ELMER BARBER,) No. C 08-5036 MMC (PR)
Plaintiff.) **ORDER OF DISMISSAL**
_____)


On November 4, 2008, plaintiff, a California prisoner incarcerated at Salinas Valley State Prison and proceeding pro se, filed the above-titled civil rights action pursuant to 42 U.S.C. § 1983. That same date, the Court notified plaintiff in writing that the action was deficient due to plaintiff’s failure to pay the requisite filing fee or, instead, to submit a completed court-approved in forma pauperis (“IFP”) application. Plaintiff was further advised that his failure to pay the filing fee or, alternatively, to file a completed IFP application, within thirty days, would result in dismissal of the action. Along with said notice, plaintiff was sent a copy of the court-approved prisoner’s IFP application, instructions for completing it, and a return envelope.

More than thirty days have passed since the deficiency notice was sent to plaintiff and he has not filed an IFP application or paid the filing fee. Accordingly, the above-titled action is hereby DISMISSED without prejudice.

The Clerk shall close the file.

IT IS SO ORDERED.

DATED: December 8, 2008


MAXINE M. CHESNEY
United States District Judge

United States District Court
For the Northern District of California