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

RICK P. SMITH,

Plaintiff,

v.

ROBERT L. AYERS, et al.,

Defendants.

No. C 08-5236 WHA (PR)

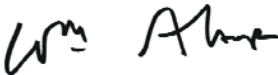
ORDER OF DISMISSAL

This is a civil rights action filed pro se by a prisoner. The court notified plaintiff that he had neither paid the filing fee nor applied for leave to proceed in forma pauperis (“IFP”). Plaintiff was informed that the case would be dismissed if he did not either pay the fee or remedy the IFP deficiency within thirty days. Although he has provided an application to proceed IFP, he has not completed the “Certificate of Funds in Inmate Account,” page five of the application. Because plaintiff has had many cases in this court, he must have been aware that failure to complete the application would lead to dismissal.

Because plaintiff’s application is incomplete, leave to proceed in forma pauperis (document number 4 on the docket) is **DENIED**. This case is **DISMISSED** without prejudice. *See* Fed. R.Civ.P. 41(b). The clerk shall close this file.

IT IS SO ORDERED.

Dated: January 15, 2009.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

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