

E-Filed 7/9/2009

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

JAMES ALAN BUSH,

Plaintiff,

v.

DEVON KLEIN, et al.,

Defendants.

Case Number C 09-0933 JF

ORDER¹ RE CASE STATUS

On March 3, 2009, Plaintiff James Alan Bush filed the instant action against Defendants Devon Klein and Sunnyvale Department of Public Safety (collectively, "Defendants"), alleging that Defendant Klein disclosed Plaintiff's health condition to certain members of the public in violation of 42 U.S.C. § 1983. On March 11, 2009, Plaintiff filed an application to proceed *in forma pauperis*. On April 1, 2009, the Court denied the application without leave to amend. Plaintiff subsequently filed a notice of appeal with respect to the denial.

On June 30, 2009, Plaintiff's appeal was dismissed for lack of jurisdiction. Accordingly, Plaintiff shall be given thirty (30) days from the date of this order pay the civil filing fee of \$350.00; if the fee is not paid the instant case will be dismissed without prejudice.

¹ This disposition is not designated for publication in the official reports.

1 IT IS SO ORDERED.

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4 DATED: July 9, 2009

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7 JEREMY FOGEL
United States District Judge
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1 This Order has been served upon the following persons:

2 James Alan Bush

3 DWF967-08086698

4 Santa Clara County Jail

5 885 N. San Pedro Avenue

6 San Jose, CA 95110

7 James Alan Bush

8 DWF967-08086698

9 Santa Clara County Jail

10 701 South Abel Street

11 Milpitas, CA 95035

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