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

KEDIR ESSA ESMAEL,  
Plaintiff,  
v.  
SANTA CLARA COUNTY,  
Defendant.

) No. C 09-3943 MMC (PR)  
)  
) **ORDER DIRECTING**  
) **PLAINTIFF TO COMPLY**  
) **WITH FILING-FEE**  
) **REQUIREMENTS;**  
) **DIRECTIONS TO CLERK**

On August 26, 2009, plaintiff, a California prisoner then incarcerated at the Elmwood Men’s Facility in Milpitas, California, and proceeding pro se, filed the above-titled civil rights action pursuant to 42 U.S.C. § 1983. Together with his complaint plaintiff filed a completed prisoner’s in forma pauperis (“IFP”) application indicating that he had no funds in his prisoner trust account to pay the \$350.00 filing fee. Thereafter, by letter dated September 25, 2009, plaintiff informed the court that he had been released from jail and is residing in San Jose. Consequently, should plaintiff be granted leave to proceed IFP based on the information provided in the prisoner’s IFP application he submitted, the court will be unable to collect the funds from plaintiff’s prisoner trust account as required under 28 U.S.C. § 1915(b). Therefore, plaintiff must either now pay the requisite filing fee in this matter in full, or submit a court-approved non-prisoner’s IFP application showing he is unable to pay the fee.

In light of the foregoing, the Court orders as follows:

Within **twenty** days of the date this order is filed, plaintiff shall either pay the

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1 filing fee in this matter or submit a completed court-approved non-prisoner's IFP  
2 application. Plaintiff's failure to do so will result in the dismissal of this action without  
3 prejudice.

4 The Clerk shall send plaintiff a non-prisoner's IFP application, instructions for  
5 completing it, and a return envelope.

6 IT IS SO ORDERED.

7 DATED: January 13, 2010

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9 MAXINE M. CHESNEY  
10 United States District Judge  
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