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

11 WILLIAM KIRKPATRICK JR, No C-09-4139 VRW (PR)  
12 Plaintiff,  
13 v ORDER OF DISMISSAL  
14 R WONG, WARDEN  
15 Defendant. (Doc #3)

1 advised that failure to file the requested items within thirty days  
2 would result in dismissal of the action. Doc #2. On September 25,  
3 2009, plaintiff submitted an in forma pauperis application, which  
4 was incomplete because it did not include a completed certificate of  
5 funds in his prison account and a copy of his prison trust account  
6 statement for the last six months. Doc #3.

7 Over forty days have elapsed since plaintiff was notified  
8 of his filing deficiency; however, he has not provided the court  
9 with the requisite items, or sought an extension of time to do so.  
10 Accordingly, the action is DISMISSED without prejudice.

11 The clerk shall close the file and terminate all pending  
12 motions as moot.

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14 IT IS SO ORDERED.

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18 VAUGHN R WALKER  
United States District Chief Judge

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