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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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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)  
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18 On September 8, 2009, William Kirkpatrick, Jr, a state  
19 prisoner at San Quentin State Prison and frequent litigant in  
20 federal court, filed a civil rights action again complaining about  
21 his meals in prison. Doc #1; see Kirkpatrick v Wong, No C-09-1564  
22 VRW (PR) (N D Cal filed April 9, 2009). On that same date, the  
23 court notified plaintiff in writing that the action was deficient  
24 because he did not pay the requisite \$ 350.00 filing fee or,  
25 instead, submit a signed and completed court-approved in forma  
26 pauperis application, including a completed certificate of funds in  
27 his prison account and a copy of his prison trust account statement  
28 for the last six months. See 28 USC § 1915(a)(2). Plaintiff was

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  
19 United States District Chief Judge  
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