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

STEVIE SMITH,

No C-10-3078 VRW (PR)

Plaintiff,

v

ORDER OF DISMISSAL

JOHN DOE,

Defendant.

\_\_\_\_\_ /

On July 13, 2010, plaintiff, a prisoner presently incarcerated at California State Prison in Corcoran and frequent litigant in both state and federal court, filed a letter with the court. Doc #1. The court clerk notified plaintiff in writing at that time that because he neither filed a formal civil rights complaint under 42 USC § 1983 using the court-approved form nor did he pay the requisite \$ 350.00 filing fee or, instead, submit a signed and completed court-approved in forma pauperis application, including a completed certificate of funds in his prison account and a copy of his prison trust account statement for the last six months obtained from the appropriate prison official, the action was

1 deficient. See 28 USC § 1915(a)(2). Plaintiff was advised that  
2 failure to file the requested items within thirty (30) days would  
3 result in dismissal of the action. Doc ## 2 & 3. On July 29, 2010,  
4 Plaintiff filed an incomplete in forma pauperis application. See  
5 Doc #4.

6 More than forty days have elapsed since plaintiff was  
7 notified of his filing deficiency; however, he neither has provided  
8 the court with the requisite items nor filed a request for an  
9 extension of time to do so. The action, therefore, is DISMISSED  
10 without prejudice.

11 The clerk is directed to terminate all pending motions as  
12 moot and close the file.

13  
14 IT IS SO ORDERED.

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17 VAUGHN R WALKER  
18 United States District Chief Judge