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

DANNY MCCOY,

No. C-10-3471 TEH (PR)

Plaintiff,

v.

ORDER OF DISMISSAL

JOHN DOE,

Defendant.

\_\_\_\_\_ /

On August 9, 2010, Plaintiff, a prisoner who was incarcerated at that time at the Metropolitan Detention Center in Los Angeles, California, 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 U.S.C. § 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 deficient. See

1 28 U.S.C. § 1915(a)(2). Plaintiff was advised that failure to file  
2 the requested items within thirty (30) days would result in  
3 dismissal of the action. Doc. ## 2 & 3. On August 17, 2010, the  
4 Court's notices to Plaintiff were returned as undeliverable. Doc.  
5 #4.

6 Over two months have elapsed since Plaintiff was notified  
7 of his filing deficiencies; however, he has neither provided the  
8 Court with the requisite items nor filed a request for an extension  
9 of time to do so. Further, more than sixty (60) days have passed  
10 since the Court's mail to Plaintiff was returned, and Plaintiff has  
11 failed to provide the Court with a current address. See Civil Local  
12 Rule 3-11(b). The action, therefore, is DISMISSED without  
13 prejudice.

14 The Clerk is directed to terminate all pending motions as  
15 moot and close the file.

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IT IS SO ORDERED.

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DATED 10/28/10



THELTON E. HENDERSON  
United States District Judge

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