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

RAUL MONTANO,

No. C-11-0367 TEH (PR)

Plaintiff,

v.

ORDER OF DISMISSAL

VINCENT S. CULLEN, Warden,

Defendant(s).

_____ /

This civil rights action by a prisoner was filed on January 25, 2011. Doc. #1. The Court notified Plaintiff in writing at that time that the action was deficient because he did not 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. See 28 U.S.C. § 1915(a)(2). Plaintiff was advised that failure to file the requested items within thirty (30) days would result in dismissal of the action. Doc. #2.

1 Over forty days have elapsed since Plaintiff was notified
2 of his filing deficiency; however, he has neither provided the Court
3 with the requisite items nor filed a request for an extension of
4 time to do so. The action, therefore, is DISMISSED without
5 prejudice.

6 The Clerk shall terminate all pending motions as moot and
7 close the file.

8
9 IT IS SO ORDERED.

10
11 DATED 03/11/2011



12 THELTON E. HENDERSON
13 United States District Judge