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

DONTE L. FLOWERS,)	No. C 11-6291 JSW (PR)
Plaintiff,)	ORDER OF DISMISSAL
v.)	
M.S. BATTAR, M.D., et al.,)	
Defendant.)	(Docket No. 5)

On December 14, 2011, Plaintiff, a prisoner of the State of California, filed a letter with the Court complaining of certain conditions in his prison. The Clerk construed it as an attempt to file a civil rights action under 42 U.S.C. § 1983, and on the same day notified Plaintiff that he had not filed a complaint a had neither paid the filing fee nor filed a completed application to proceed in forma pauperis (“IFP”). Along with the notices, the Clerk mailed to Plaintiff the Court’s complaint and IFP forms, instructions for completing the forms, and a stamped return envelope. In the notices, Plaintiff was informed that the case would be dismissed if he did not file a complaint and either pay the fee or file a completed IFP application within thirty days. The IFP instructions and form indicated that in order to complete an IFP application, Plaintiff would have to submit a certificate of funds form signed and completed by a prison official and a prison trust account statement.

1 On January 13, 2011, Plaintiff filed a complaint and IFP application. However,
2 the IFP application was not complete insofar as Plaintiff did not submit either the
3 required certificate of funds form signed and completed by a prison official or his prison
4 trust account statement. More than thirty days have passed since Plaintiff received the
5 deficiency notice and he has not completed the IFP application or paid the filing fee,
6 requested additional time, or shown cause why he has failed to do so. Consequently, and
7 in accordance with the warning provided to Plaintiff in the deficiency notices, this case is
8 DISMISSED without prejudice to refiling in an action in which Plaintiff either pays the
9 filing fee or submits a complete IFP application.

10 The incomplete IFP application (docket number 5) is DENIED as moot. The
11 Clerk shall enter judgment and close the file.

12 IT IS SO ORDERED.

13 DATED: 02/06/2012

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16 JEFFREY S. WHITE
17 United States District Judge
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