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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHAUNCEY R. SIMPSON,

No. C 12-1024 EMC (pr)

Plaintiff,

v.

**ORDER VACATING DISMISSAL
ORDER AND REQUIRING AMENDED
COMPLAINT**

R. GROUNDS, Warden; et al.,

Defendants.

This *pro se* civil action was dismissed on August 1, 2012 because Plaintiff failed to pay the filing fee or file the required *in forma pauperis* application by the July 16, 2012 deadline. The order of dismissal crossed in the courthouse mail with a belated *in forma pauperis* application that Plaintiff did file. In light of the fact that Plaintiff did file an *in forma pauperis* application (although it was late) and in the interest of justice, the Court now VACATES the order of dismissal and judgment.

Plaintiff's "motion for order for defendant(s) employing agency to process in forma pauperis application" is DENIED as unnecessary. (Docket # 10.) By the time that motion was filed, Plaintiff's *in forma pauperis* completed application already had been filed. The Court will rule on the *in forma pauperis* application in a separate order.

At the time he submitted his belated *in forma pauperis* application, Plaintiff filed a form complaint with the case number for this case written on the first page. (Docket # 9.) The Court construes the document to be an amended complaint. The amended complaint directs the reader to "see attached pages # 10-13" for the statement of his claim. *See* Docket # 9, p. 3. There are no pages attached to the four-page form, however, so it fails to state a claim against any defendant. No

1 later than **May 3, 2013**, Plaintiff must file an amended complaint that contains a complete statement
2 of his claim(s) against the defendants. Plaintiff is cautioned that he must promptly comply with all
3 deadlines set by the Court.

4 IT IS SO ORDERED.

5 Dated: March 22, 2013



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7 EDWARD M. CHEN
8 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

CHAUNCEY R SIMPSON,

Plaintiff,

v.

GROUNDS et al,

Defendant.

Case Number: CV12-01024 EMC

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 22, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Chauncey Reene Simpson C-21848
Correctional Training Facility
P.O. Box 689
Soledad, CA 93960

Dated: March 22, 2013



Richard W. Wieking, Clerk
By: Betty Lee, Deputy Clerk