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

WEDSON R. DeMORAIS, P89947,)	
)	
Plaintiff,)	No. C 12-3186 CRB (PR)
)	
v.)	ORDER OF DISMISSAL
)	
NEW FOLSOM STATE PRISON, et al.,)	(Docket # 5)
)	
Defendant(s).)	
_____)	

On June 19, 2012, the clerk filed as a new action a prisoner complaint form forwarded to this court by the Ninth Circuit. But although the complaint form included plaintiff's name and address, and a caption, it was otherwise blank. Notably, it contained no allegations whatsoever and was unsigned.

On June 19, 2012, the court notified plaintiff in writing that the action was deficient because he did not file a signed and completed complaint or pay the requisite \$350.00 filing fee or, instead, submit a signed and completed court-approved in forma pauperis (IFP) application. Plaintiff was advised that failure to file the requested items within 30 days would result in dismissal of the action.

On July 19, 2012, plaintiff filed a new complaint and an IFP application. Based solely on plaintiff's affidavit of poverty, his IFP application (docket # 5) is GRANTED. But his complaint is DISMISSED because he once again has filed a complaint form with no allegations whatsoever and because the only defendants he names – New Folsom State Prison (NFSP) and NFSP Warden Tim Virga – reside in the Eastern District of California. Plaintiff is free to refile his complaint against

1 NFSP and Warden Virga, with supporting allegations, in the Eastern District of
2 California. See In re Hall, 939 F.2d 802, 804 (9th Cir. 1991) (dismissal for
3 improper venue must be without prejudice because determination of improper
4 venue does not go to merits of case).

5 The clerk shall close the file and terminate all pending motions as moot.

6 SO ORDERED.

7 DATED: July 30, 2012

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10 CHARLES R. BREYER
11 United States District Judge
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