

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

IN RE: JETHRO L. LARKIN, II No. C 12-3361 TEH (PR)

JETHRO L. LARKIN, II, No. C 12-3362 TEH (PR)

Plaintiff,

ORDER OF DISMISSAL

v.

JAMES CARLSON,

Defendant.

Plaintiff, a state prisoner and frequent litigant in this Court, currently incarcerated at Corcoran State Prison, filed two pro se civil rights complaints pursuant to 42 U.S.C. § 1983. In case number C 12-3362 TEH, Plaintiff requested to proceed in forma pauperis (IFP) pursuant to 28 U.S.C. § 1915. In case number C 12-3361 TEH, Plaintiff failed to file a request to proceed IFP and the Court notified him to do so within thirty days from the date of the Order, which was August 7, 2012. Plaintiff never filed the required IFP application.

On September 17, 2012, in each case, the Court sent Plaintiff an Order to Show Cause for him to respond in writing indicating why his requests to proceed IFP should not be denied and the actions should not be dismissed pursuant to 28 U.S.C.

1 § 1915(g). On September 28, 2012, this Order was returned as
2 undeliverable. See Case no. C 12-3362 TEH, Docket no. 8. On
3 November 7, 2012, the Court re-sent the Order to Show Cause to
4 Plaintiff's new address at Corcoran State Prison. The Court
5 cautioned Plaintiff that he must timely respond to the issues
6 raised in the Order to Show Cause to prevent his actions from being
7 dismissed. The deadline for Plaintiff to file his responses was
8 December 7, 2012.

9 This deadline has passed and Plaintiff has not filed a
10 response in either case or communicated with the Court in any way.
11 Accordingly, these actions are DISMISSED under § 1915(g) WITHOUT
12 PREJUDICE to bringing the claims asserted in them in a future
13 action in which Plaintiff pays the full filing fee of \$ 350.00.

14 The Clerk of the Court shall terminate as moot all pending
15 motions and close the files in these two cases.

16
17 IT IS SO ORDERED.

18 DATED: 01/09/2013



19 _____
THELTON E. HENDERSON
United States District Judge