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\*E-Filed 11/6/12\*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

DARRYL BURGHARDT,  
Plaintiff,

No. C 12-5190 RS (PR)

**ORDER OF DISMISSAL**

v.

J. FRANZ, et al.,  
Defendants.

This is a federal civil rights action filed pursuant to 42 U.S.C. § 1983 by a *pro se* state prisoner. By order of the Court, plaintiff was granted 30 days (1) to file a complete application to proceed *in forma pauperis* (“IFP”), or (2) to pay the filing fee of \$350.00, or face dismissal of the action. More than 30 days have passed since the order was filed, and plaintiff has not filed a complete IFP application, nor paid the filing fee. The IFP application lacks a Certificate of Funds signed by an authorized prison officer, and a prison trust account statement showing transactions for the last six months. Accordingly, the action is DISMISSED without prejudice. Any motion to reopen the action **must** contain (1) the two IFP documents listed above, or (2) payment for the entire filing fee of \$350.00. Plaintiff’s IFP motion (Docket No. 5) is DENIED as insufficient. The Clerk shall enter terminate Docket No. 5, enter judgment in favor of defendants, and close the file.

**IT IS SO ORDERED.**

DATED: November 6, 2012

  
RICHARD SEEBORG  
United States District Judge

No. C 12-5190 RS (PR)  
ORDER OF DISMISSAL

United States District Court  
For the Northern District of California