

\*E-Filed 5/7/13\*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ERIC SMITH,

No. C 13-1441 RS (PR)

Petitioner,

**ORDER OF DISMISSAL**

v.

CARLA KENNEDY, et al.,

Respondent.

This is a federal habeas corpus action. Petitioner was ordered to, within 30 days, (1) file a complete application to proceed *in forma pauperis* ("IFP"), or (2) pay the filing fee of \$5.00. More than 30 days have passed and petitioner has not complied with these instructions. He has not paid the filing fee. He also has failed to perfect his IFP application by filing a prison trust account statement showing transactions for the last six months. Accordingly, the action is DISMISSED without prejudice. Any motion to reopen must contain either (1) a prison trust account statement showing transactions for the last six months, or (2) full payment for the filing fee. Petitioner's motion to proceed IFP (Docket No. 4) is DENIED. The Clerk shall terminate Docket No. 4, enter judgment in favor of respondents, and close the file.

**IT IS SO ORDERED.**

DATED: May 7, 2013

RICHARD SEEBORG  
United States District JudgeNo. C 13-1441 RS (PR)  
ORDER OF DISMISSAL