

E-Filed 5/7/13

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ERIC SMITH,
Petitioner,

No. C 13-1441 RS (PR)

ORDER OF DISMISSAL

v.
CARLA KENNEDY, et al.
Respondent.

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

IT IS SO ORDERED.

26 | DATED: May 7, 2013


RICHARD SEEBORG
United States District Judge

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United States District Judge

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