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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In Re

No. C-13-2567 EMC (pr)

MICHAEL D. ROGERS,

ORDER OF DISMISSALPlaintiff.
_____ /

This action was opened on June 6, 2013, when the Court received from Michael D. Rogers a copy of a letter requesting materials from the San Francisco DNA Criminalistic Laboratory. On that date, the Court notified Mr. Rogers in writing that his action was deficient in that he had not attached a complaint and had not filed an *in forma pauperis* application. The Court further notified him that this action would be dismissed if he did not submit a complaint within twenty-eight days. Mr. Rogers did not file a complaint, although he did file a motion for leave to proceed *in forma pauperis*. In light of his failure to file a complaint or other pleading, this action is **DISMISSED** without prejudice for failure to submit a pleading showing the Court has subject matter jurisdiction and the motion to proceed *in forma pauperis* is **DISMISSED** as moot. (Docket # 6 and # 9.) The Clerk shall close the file. No filing fee is due.

IT IS SO ORDERED.

Dated: December 16, 2013



EDWARD M. CHEN
United States District Judge