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3 \*E-Filed 8/12/13\*  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

9  
10 WILLIE WEAVER,

No. C 13-3261 RS (PR)

11 Plaintiff,

**ORDER OF DISMISSAL**

12 v.

13 HEAPS, Warden,

14 Defendant.

15 \_\_\_\_\_ /  
16 Plaintiff has failed to comply with the Court's order to (1) file a complete application  
17 to proceed *in forma pauperis* ("IFP"), or (2) pay the full filing fee of \$350.00. Plaintiff's IFP  
18 application is deficient because he did not file a certificate of funds signed by an authorized  
19 prison officer. Accordingly, the action is DISMISSED without prejudice for failing to  
20 respond to the Court's order, and for failure to prosecute, *see* Fed. R. Civ. P. 41(b). Because  
21 this dismissal is without prejudice, plaintiff may move to reopen the action. Any such  
22 motion **must** contain a certificate of funds signed by an authorized prison officer. Plaintiff's  
23 IFP application (Docket No. 3) is DENIED without prejudice. The Clerk shall enter  
24 judgment in favor of defendant, terminate Docket No. 3, and close the file.

25 **IT IS SO ORDERED.**

26 DATED: August 12, 2013

  
27 RICHARD SEEBORG  
United States District Judge

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ORDER OF DISMISSAL