

\*E-Filed 8/12/13\*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISIONWILLIE WEAVER,  
Plaintiff,

No. C 13-3261 RS (PR)

**ORDER OF DISMISSAL**

v.

HEAPS, Warden,  
Defendant.

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

**IT IS SO ORDERED.**

DATED: August 12, 2013

  
RICHARD SEEBORG  
United States District JudgeNo. C 13-3261 RS (PR)  
ORDER OF DISMISSAL