

E-Filed 8/15/13

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISIONTERRELL WHITFIELD,
Petitioner,

No. C 13-3267 RS (PR)

ORDER OF DISMISSAL

v.

GARY SWARTHOUT, Warden,
Respondent.

Petitioner has failed to comply with the Court's order either to (1) pay the filing fee of \$5.00, or (2) file a complete application to proceed *in forma pauperis* ("IFP"). Accordingly, the action is DISMISSED without prejudice for failure to comply with the Court's order and under Federal Rule of Civil Procedure 41(b) for failure to prosecute. Because this dismissal is without prejudice, petitioner may move to reopen the action. Any motion to reopen **must** contain either (1) full payment for the \$5.00 filing fee, or (2) a complete IFP application. The Clerk shall enter judgment in favor of respondent, and close the file.

IT IS SO ORDERED.

DATED: August 15, 2013


RICHARD SEEBORG
United States District JudgeNo. C 13-3267 RS (PR)
ORDER OF DISMISSAL