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2 *E-Filed 9/30/13*
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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
6 SAN FRANCISCO DIVISION

7
8 CHRISTOPHER JAMES CASTILLO,
9 Plaintiff,

No. C 13-3850 RS (PR)

10 v.
11 METRO PUBLISHING,
12 Defendant.

13 /
14 **ORDER OF DISMISSAL**

15 Plaintiff has failed to comply with the Court's order to (1) perfect his application to
16 proceed *in forma pauperis* ("IFP"), or (2) pay the full filing fee of \$350.00. The IFP
17 application does not contain a prison trust account statement showing transactions for the last
18 six months. Accordingly, the action is DISMISSED without prejudice for failing to respond
19 to the Court's order, and for failure to prosecute, *see* Fed. R. Civ. P. 41(b). Because this
20 dismissal is without prejudice, plaintiff may move to reopen the action. Any such motion
21 **must** contain (1) a prison trust account statement showing transactions for the last six
22 months, **or** (2) full payment for the filing fee of \$350.00. His IFP application (Docket No.
23 2), and his motion for the appointment of counsel (Docket No. 3), are DENIED without
24 prejudice. Plaintiff may refile these motions when he moves to reopen the action. The Clerk
shall enter judgment in favor of defendant, terminate Docket Nos. 2 and 3, and close the file.

25 **IT IS SO ORDERED.**

26 DATED: September 30, 2013


27 RICHARD SEEBORG
28 United States District Judge

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