

\*E-Filed 9/30/13\*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

CHRISTOPHER JAMES CASTILLO,  
Plaintiff,

No. C 13-3850 RS (PR)

**ORDER OF DISMISSAL**

v.

METRO PUBLISHING,  
Defendant.

Plaintiff has failed to comply with the Court's order to (1) perfect his application to proceed *in forma pauperis* ("IFP"), or (2) pay the full filing fee of \$350.00. The IFP application does not contain a prison trust account statement showing transactions for the last six months. 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 (1) a prison trust account statement showing transactions for the last six months, **or** (2) full payment for the filing fee of \$350.00. His IFP application (Docket No. 2), and his motion for the appointment of counsel (Docket No. 3), are DENIED without 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.

**IT IS SO ORDERED.**

DATED: September 30, 2013

  
RICHARD SEEBORG  
United States District Judge

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