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E-Filed 10/21/13

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CHRISTOPHER JAMES CASTILLO,
Plaintiff,

No. C 13-4222 RS (PR)
ORDER OF DISMISSAL

v.

AVENAL STATE PRISON, and
CAPTAIN CATIEL,
Defendants.

United States District Court
For the Northern District of California

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 defendants, terminate Docket Nos. 2 and 3, and close the file.

IT IS SO ORDERED.

DATED: October 21, 2013


RICHARD SEEBOR
United States District Judge

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