

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

United States District Court
Northern District of California

HARRIS WYATT,

Plaintiff,

v.

SANTA RITA COUNTY JAIL,

Defendant.

Case No.: C 13-5361 JSC (PR)
ORDER OF DISMISSAL

(Dkt. 6)

On November 19, 2013, Plaintiff, a California prisoner, filed this civil rights action under 42 U.S.C. § 1983.¹ On the same day, the Clerk notified Plaintiff that he had neither paid the filing fee nor completed an application to proceed in forma pauperis (“IFP”). The notice further informed him that the case would be dismissed if he did not either pay the filing fee or file a completed IFP application within thirty days. Along with the notice, the Clerk mailed to Plaintiff the Court's IFP form, instructions for completing the form, and a stamped return envelope. The instructions informed him that in order to complete the IFP application he must submit the attached certificate of funds completed and signed by a prison officials and

¹ Plaintiff has consented to the jurisdiction of a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c). (Dkt. No. 3.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

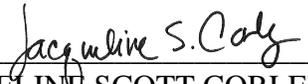
a statement from his trust account showing transactions for the previous six months. Plaintiff submitted an IFP form but he did not include the required trust account statement or certificate of funds completed and signed by a prison official. He has not explained why he did not submit these items, nor has he asked for more time to do so. Plaintiff has not paid the filing fee or completed an IFP application and the deadline for doing so has passed.

Accordingly, this case is DISMISSED without prejudice to Plaintiff filing the complaint in a new action in which he either pays the filing fee or submits a complete IFP application, including the required certificate of funds and trust account statement. The incomplete IFP application (dkt. no. 6) is DENIED and no fee is due.

The Clerk shall enter judgment and close the file.

IT IS SO ORDERED.

Dated: February 3, 2014



JACQUELINE SCOTT CORLEY
UNITED STATES MAGISTRATE JUDGE