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2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA

4 GARY DALE BARGER,
5 aka GARY FISHER,

6 Petitioner,

7 v.

8 DIRECTOR OF OB,

9 Respondent.

Case No. [14-cv-02754-WHO](#) (PR)

ORDER OF DISMISSAL

10
11 Petitioner Gary Dale Barger has failed to comply with the Court's order to perfect
12 his application to proceed *in forma pauperis* ("IFP"), or pay the full filing fee of \$5.00.
13 The IFP application is deficient because Barger has not submitted a (1) signed IFP
14 application; (2) Certificate of Funds completed and signed by an authorized prison officer,
15 and (3) prison trust account statement showing transactions for the last six months.
16 Accordingly, the action is DISMISSED without prejudice for failing to respond to the
17 Court's order, and for failure to prosecute, *see* Fed. R. Civ. P. 41(b). Because this
18 dismissal is without prejudice, Barger may move to reopen the action. Any such motion
19 **must** contain (1) the three documents listed above, **or** (2) full payment for the filing fee of
20 \$5.00. Barger's IFP application (Docket No. 2) is DENIED as incomplete. His motion for
21 the appointment of counsel (Docket No. 3) is DENIED without prejudice. Barger may
22 refile such motion with the IFP documents listed above. The Clerk shall terminate Docket
23 Nos. 2 and 3, enter judgment in favor of respondent, and close the file.

24 **IT IS SO ORDERED.**

25 **Dated:** August 12, 2014

26 
27 WILLIAM H. ORRICK
28 United States District Judge