

United States District Court  
For the Northern District of California

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\*E-Filed 9/2/14\*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

LEON L. MEYERS,  
Plaintiff,

v.

DEPARTMENT OF CORRECTIONS  
AND REHABILITATION, et al.,  
Defendants.

No. C 14-3123 RS (PR)

**ORDER REOPENING ACTION;  
ORDER DENYING APPLICATION  
TO PROCEED IN FORMA  
PAUPERIS;  
ORDER DIRECTING PLAINTIFF TO  
PAY FULL FILING FEE**

This federal civil rights action was dismissed because plaintiff failed to perfect his application to proceed *in forma pauperis* (“IFP”) or pay the full filing fee of \$400.00. Plaintiff since has perfected his IFP application (Docket No. 9) and filed a motion to reopen (Docket No. 10). The action is hereby REOPENED, and the Clerk is directed to modify the docket accordingly. The judgment (Docket No. 8) and the order of dismissal (Docket No. 7) are VACATED.

Plaintiff’s application to proceed *in forma pauperis* (Docket No. 10) is DENIED. His Certificate of Funds and prison trust account statement show that he is able to afford the \$400.00 filing fee for this civil rights action. More specifically, the Certificate of Funds

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1 shows that the average deposits to plaintiff's account for the six months preceding the filing  
2 of the application were \$0.00, and the average balance in his account for the same time  
3 period was \$7,744.29. His account balance is \$8,625.17, as of August 2014.

4 Plaintiff shall pay the \$400.00 filing fee in this matter by submitting such payment to  
5 the Clerk of the Court on or before October 15, 2014. Plaintiff's failure to do so will result in  
6 the dismissal of this action for failure to prosecute under Federal Rule of Civil Procedure  
7 41(b), and without further notice to petitioner. This order terminates Docket Nos. 9 and 10.

8 **IT IS SO ORDERED.**

9 DATED: September 2, 2014

  
RICHARD SEEBORG  
United States District Judge

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