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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BURL EVANS,  
Plaintiff,  
v.  
DISTRICT ATTORNEY OF CONTRA  
COSTA COUNTY, et al.,  
Defendants.

Case No. [14-cv-05681-JCS](#) (PR)

**ORDER OF DISMISSAL**

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 \$400.00. 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).<sup>1</sup> Because this dismissal is without prejudice, plaintiff may move to reopen the action. Any such motion **must** contain (1) a complete IFP application, or (2) full payment for the filing fee of \$400.00.

The Clerk shall enter judgment in favor of defendants, and close the file.

**IT IS SO ORDERED.**

**Dated:** February 20, 2015

  
JOSEPH C. SPERO

Chief United States Magistrate Judge

<sup>1</sup> Plaintiff has consented to magistrate judge jurisdiction. (Compl. at 4.) The magistrate judge, then, has jurisdiction to decide this motion, even though defendants have not been served or consented to magistrate judge jurisdiction. *See Neals v. Norwood*, 59 F.3d 530, 532 (5th Cir. 1995)

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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 2/20/2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Burl Evans ID: C113#J287-Q15  
Martinez Detention Facility  
901 Court Street  
Maritnez, CA 94553

Dated: 2/20/2015

Richard W. Wieking  
Clerk, United States District Court

By: Karen L. Hom  
Karen Hom, Deputy Clerk to the  
Honorable JOSEPH C. SPERO