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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JASON ROBERT WAY,
Petitioner,

v.

ATTORNEY GENERAL,
Respondent.

Case No. [16-cv-01467-JCS](#) (PR)

ORDER OF DISMISSAL

Dkt. No. 7

Petitioner 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 \$5.00. His IFP application is incomplete because it does not contain a Certificate of Funds. Petitioner has also failed to file a petition using this Court’s form. 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).¹

Because this dismissal is without prejudice, petitioner may move to reopen the action. Any such motion **must** contain (1) a Certificate of Funds or full payment for the

¹ Petitioner has consented to magistrate judge jurisdiction. (Docket No. 5.) The magistrate judge, then, has jurisdiction to decide this motion, even though respondent has 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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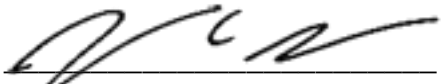
filing fee of \$5.00; **and** (2) a petition using this Court's form.

Petitioner's IFP application (Docket No. 7) is DENIED as insufficient.

The Clerk shall terminate Docket No. 7, enter judgment in favor of respondent, and close the file.

IT IS SO ORDERED.

Dated: May 13, 2016



JOSEPH C. SPERO
Chief Magistrate Judge

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JASON ROBERT WAY,
Plaintiff,
v.
ATTORNEY GENERAL,
Defendant.

Case No. [16-cv-01467-JCS](#)

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 May 13, 2016, 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.

Jason Robert Way ID: ID: AV4669
High Rock Conservation Camp #32
P.O. Box 296
Weott, CA 95571

Dated: May 13, 2016

Susan Y. Soong
Clerk, United States District Court

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