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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ELIGIO RUIZ ORTIZ,
Plaintiff,
v.
STATE OF CALIFORNIA, et al.,
Defendants.

Case No. [16-cv-02971-JSC](#)

ORDER OF DISMISSAL

Re: Dkt. No. 4

On June 2, 2016, Plaintiff, a California prisoner proceeding pro se, filed this civil rights complaint under 42 U.S.C. § 1983.¹ Plaintiff also filed an application to proceed in forma pauperis (“IFP”), but it was incomplete in that it did not include a trust account statement or a certificate of funds. On the same day the complaint and IFP application were filed, the Clerk notified Plaintiff that he had not paid the filing fee and that the IFP application he submitted was incomplete because of the missing trust account statement and certificate of funds. The Clerk mailed to Plaintiff the Court's IFP application along with the deficiency notice, as well as a stamped return envelope and instructions for completing the IFP application including the requisite trust account statement and certificate of funds completed and signed by a prison official. The deficiency notice also informed Plaintiff that the case would be dismissed if he did not either pay the filing fee or complete his IFP application within 28 days.

More than 28 days have passed since the deficiency notice was sent to Plaintiff and no

¹ Petitioner has consented to the jurisdiction of a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c). (ECF No.1 at 4.)

1 response has been received. He has not paid the filing fee, filed a complete IFP application,
2 shown cause why not, or requested and shown good cause for an extension of time. Accordingly,
3 the incomplete IFP application (ECF No. 4) is DENIED, and this case is DISMISSED without
4 prejudice to filing his complaint in a new action in which he either pays the filing fee or submits a
5 complete IFP application.

6 The Clerk shall enter judgment and close the file.

7 **IT IS SO ORDERED.**

8 Dated: July 15, 2016

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JACQUELINE SCOTT CORLEY
United States Magistrate Judge

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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 July 15, 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.


Brandon Favor ID: G-60488
California Correctional Institution
24900 Highway 202
Tehachapi, CA 93561

Eligio Ruiz Ortiz ID: T23211
California Correctional Insitution
P.O. Box 1031
Facility A, Bldg 1, Bed 107
Tehachapi, CA 93581

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Dated: July 15, 2016

Susan Y. Soong
Clerk, United States District Court

By: 
Ada Means, Deputy Clerk to the
Honorable JACQUELINE SCOTT CORLEY