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4 UNITED STATES DISTRICT COURT  
5 NORTHERN DISTRICT OF CALIFORNIA  
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7 DERRICK L. JOHNSON,  
8 Plaintiff,  
9 v.  
10 SHAWN HATTON, et al.,  
11 Defendants.

Case No. [16-cv-03364-JD](#)

**ORDER OF DISMISSAL**

Re: Dkt. Nos. 5, 7

12  
13 Plaintiff, a state prisoner, has filed a civil rights action. Plaintiff was sent a notice that he  
14 had not paid the filing fee or applied for leave to proceed in forma pauperis (“IFP”). He was  
15 allowed twenty-eight days to either pay the fee or file a proper application. More than twenty-  
16 eight days has passed and plaintiff has not paid the fee or filed an application to proceed IFP.  
17 Therefore, this case is **DISMISSED** without prejudice. No fee is due. Plaintiff’s motions for a  
18 temporary restraining order<sup>1</sup> (Docket No. 5) and service (Docket No. 7) are **DENIED**.

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20 **IT IS SO ORDERED.**

21 Dated: August 30, 2016

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JAMES DONATO  
United States District Judge

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<sup>1</sup> In his motion for a temporary restraining order, plaintiff seeks to be released from prison and that the Superior Court of Los Angeles County and a Superior Court Judge be prohibited from overseeing a prosecution against him. These requests are meritless. If plaintiff wishes to challenge his conviction he must file a habeas petition.

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8

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**CERTIFICATE OF SERVICE**

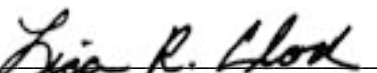
9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.  
10 District Court, Northern District of California.

11  
12 That on August 30, 2016, I SERVED a true and correct copy(ies) of the attached, by  
13 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
14 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
15 receptacle located in the Clerk's office.  
16

17 Derrick L. Johnson ID: AY7574  
18 Salinas Valley State Prison  
19 P.O. Box 1050  
20 Soledad, CA 93960

21 Dated: August 30, 2016

22  
23 Susan Y. Soong  
24 Clerk, United States District Court

25  
26 By:   
27 LISA R. CLARK, Deputy Clerk to the  
28 Honorable JAMES DONATO