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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

WILLIAM RAY BARTON,  
Petitioner,  
v.  
PEOPLE OF THE STATE OF  
CALIFORNIA,  
Respondent.

Case No. [17-cv-00945-JCS](#) (PR)

**ORDER OF DISMISSAL**

Dkt. No. 2

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 signed by an authorized prison officer. Nor does it contain a prison trust account statement showing transactions for the last six months. 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, petitioner may move to reopen the action. Any such motion must contain (1) a Certificate of Funds and a prison trust account statement, **or** (2) full payment for the filing fee of \$5.00.

Petitioner’s IFP application (Docket No. 2) is DENIED as insufficient.

The Clerk shall terminate Docket No. 2, enter judgment in favor of respondent, and close the file.

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<sup>1</sup> Petitioner consented to magistrate judge jurisdiction. (Dkt. No. 5.) The magistrate judge, then, has jurisdiction to issue this order, even though respondents 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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**IT IS SO ORDERED.**

**Dated:** April 5, 2017



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JOSEPH C. SPERO  
Chief Magistrate Judge

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

WILLIAM RAY BARTON,  
Plaintiff,  
v.  
PEOPLE OF THE STATE OF  
CALIFORNIA,  
Defendant.

Case No. [17-cv-00945-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 April 5, 2017, 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.

William Ray Barton ID: B71646  
Cal. State Prison-Sacramento  
P.O. Box 290066  
Represa, CA 95671

Dated: April 5, 2017

Susan Y. Soong  
Clerk, United States District Court  
*Karen L. How*

United States District Court  
Northern District of California

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