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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NORRIAN B. PHILLIPS,
Plaintiff,
v.
HOYT, et al.,
Defendants.

Case No. [17-cv-01219-JCS](#) (PR)

ORDER OF DISMISSAL

Dkt. Nos. 2 and 6

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. His IFP application is incomplete because it does not contain a Certificate of Funds that has been completed and signed by an authorized prison officer. The one submitted is blank. 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, plaintiff may move to reopen the action. Any such motion **must** contain (1) a properly completed Certificate of Funds; or (2) full payment for the filing fee of \$400.00.

¹ Plaintiff consented to magistrate judge jurisdiction. (Docket No. 5.) 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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Plaintiff's IFP application (Docket Nos. 2 and 6) is DENIED as insufficient. The Clerk shall terminate Dkt. Nos. 2 and 6, enter judgment in favor of defendants, and close the file.

IT IS SO ORDERED.

Dated: April 25, 2017



JOSEPH C. SPERO
Chief Magistrate Judge