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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WILLIAM RAY BARTON,
Petitioner,
v.
BOARD OF PAROLE HEARINGS,
Respondent.

Case No. [17-cv-02827-JCS](#) (PR)

ORDER OF DISMISSAL


Petitioner has not complied 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 he did not file the IFP application form, though he did file a prison trust account statement and a Certificate of Funds. 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 properly completed and signed IFP application form, or (2) full payment for the \$5.00 filing fee.

The Clerk shall enter judgment in favor of respondent, and close the file.

IT IS SO ORDERED.

Dated: June 30, 2017



JOSEPH C. SPERO
Chief Magistrate Judge

¹ Petitioner consented to magistrate judge jurisdiction. (Dkt. 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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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WILLIAM RAY BARTON,
Plaintiff,
v.
BOARD OF PAROLE HEARINGS,
Defendant.

Case No. [17-cv-02827-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 June 30, 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
California State Prison-Sacramento
P.O. Box 290066
Represa, CA 95671

Dated: June 30, 2017

Susan Y. Soong
Clerk, United States District Court

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