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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARK F. MILAZO,

Plaintiff,

No. C 08-1147 PJH (PR)

vs.

ORDER OF DISMISSAL

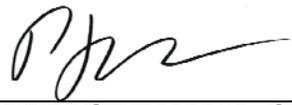
JAMES TILTON, Secretary, CDCR; N. GRANNIS, Chief, Inmate Appeals Division; P. DELVILLAR; MICHAEL EVANS; G. A. NEOTTI; K. JONES; R. A. KESSLER; G. LEWIS; P. ROGUE; G. R. SALAZAR; N. CLARK; A. KUHNERT; A. VILLALOBOS; Sergeant HOGDAN; and Lieutenant MAJIEA,

Defendants.

This pro se civil rights action filed by a state prisoner. Plaintiff was granted leave to proceed in forma pauperis ("IFP") in an order entered on October 3, 2008, and ordered to pay a partial initial filing fee of \$128.00 within thirty days. See 28 U.S.C. § 1915(b)(1) (requiring district courts to assess and collect partial initial filing fees from prisoners allowed to proceed IFP). The time to pay the partial fee has long since passed and plaintiff has not paid it. This case therefore is **DISMISSED** without prejudice for failure to pay the partial fee. The clerk shall close the file.

IT IS SO ORDERED.

Dated: December 4, 2008.



PHYLLIS J. HAMILTON
United States District Judge

United States District Court
For the Northern District of California