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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

ASSOCIATION of COMMITTEE to
ELECT REV DR KAMAL ROY as US
PRESIDENT,

No. C 08-02291 SBA

ORDER

Plaintiff,

v.

UNITED STATES GOVERNMENT,

Defendant.

Plaintiff Rev. Dr. Kamal Roy (“Roy”) filed a 59-page complaint on May 2, 2008. With the complaint, Roy filed an application to proceed *in forma pauperis*. The Court denied the application on September 2, 2008, because the requisite financial information was missing and the Complaint was, to a large extent, incomprehensible. [Docket No. 11]. The plaintiff was ordered to either pay the filing fee or file an amended application to proceed *in forma pauperis* within twenty (20) days. Roy was also warned that failure to comply with the deadline would result in dismissal without prejudice and without further notice.

On September 23, 2008, before the deadline passed, and in response to Defendant’s motion for a more definite statement, the Court ordered Plaintiff to serve an amended complaint containing a short and plain statement of his claims and the relief he is seeking, pursuant to Fed. R. Civ. P. 8(a), within 20 days of receipt of the order. [Docket No. 19]. Roy did not file an amended IFP application by the deadline. [Docket Nos. 20 and 21]. Roy did not pay the filing fee either. He did, however, file an amended complaint on September 25, 2008. It was not a short and plain statement of his claims as ordered; it was 120 pages in length, and like the original complaint, incomprehensible. [Docket No. 20]. Moreover, among the papers of the amended complaint, there was a photocopy of a recent bank statement from Citizens Bank of an account in the name “Association Committee . . . To Elect the Rev Dr. Kamal K K Roy a/k/a J G JR” with a balance of \$10,000.

1 Federal courts must review a case filed *in forma pauperis* prior to service of process. 28
2 U.S.C. § 1915(e). The benefit of proceeding *in forma pauperis* is a privilege, not a right. *Franklin*
3 *v. Murphy*, 745 F.2d 1221, 1231 (9th Cir. 1984). An *in forma pauperis* complaint shall be dismissed
4 if the allegation of poverty is not true, or if the court determines that the action is frivolous or
5 malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a
6 defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2).

7 Roy has not complied with the Court's Order to file an amended application to proceed *in*
8 *forma pauperis*, nor has he paid the requisite filing fee.

9 Accordingly, IT IS HEREBY ORDERED THAT the above-captioned case is DISMISSED
10 WITHOUT PREJUDICE to re-filing if plaintiff pays the required court fee. The Clerk is directed to
11 terminate any pending matters and to close the file.

12 IT IS SO ORDERED.

13
14 Date: 1/23/09


Sandra Brown Armstrong
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 ASSOCIATION OF COMMITTEE TO ELECT
5 REV DR KAMAL RO et al,

Case Number: CV08-02291 SBA

6 Plaintiff,

CERTIFICATE OF SERVICE

7 v.

8 USA et al,

9 Defendant.

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

12 That on January 26, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said
13 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
14 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
15 in the Clerk's office.

16 Association of Committee to Elect Rev Dr Kamal Roy as US President
17 Rev Dr Kamal RK Roy
18 P.O. Box 1173
19 Saranac Lake, NY 12983

20 Dated: January 26, 2009

21 Richard W. Wieking, Clerk
22 By: LISA R CLARK, Deputy Clerk
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