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6 IN THE UNITED STATES DISTRICT COURT
7
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9
10 EUNICE L. PARQUET,

11 Plaintiff,

12 v.

13 PHOENIX LODGE HOTEL,

14 Defendant.

No. C 09-02048 WDB

**ORDER DENYING APPLICATION
TO PROCEED IN FORMA
PAUPERIS; ORDER OF
REASSIGNMENT; REPORT AND
RECOMMENDATION TO DISMISS
THE COMPLAINT**

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16 On May 8, 2009, Plaintiff Eunice L. Parquet filed a complaint and an application to
17 proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. On June 2, 2009, the Court ordered
18 Plaintiff to file a revised IFP application by June 30, 2009, to address various inconsistencies
19 and omissions. As Plaintiff has failed to submit a revised application by that date, IT IS
20 HEREBY ORDERED that Plaintiff's application to proceed *in forma pauperis* is DENIED.

21 IT IS FURTHER ORDERED that this case be reassigned randomly to a United States
22 District Judge. The Case Management Conference set for August 18, 2009, is hereby
23 VACATED.

24 Because Plaintiff has failed to submit a revised IFP application by the date ordered by
25 the Court and has failed to pay the filing fee, the Undersigned hereby RECOMMENDS that
26 the complaint be dismissed without prejudice for failure to prosecute pursuant to Federal
27 Rule of Civil Procedure 41(b). *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir.
28 1992).

1 Plaintiff may serve and file specific written objections to the proposed findings and
2 recommendations within 10 days after being served with a copy of this Report and
3 Recommendation. *See* Federal Rule of Civil Procedure 72(b); 28 U.S.C. § 636.

4 **IT IS SO ORDERED, REPORTED AND RECOMMENDED.**

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6 Dated: July 6, 2009

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8 WAYNE D. BRAZIL
9 United States Magistrate Judge
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