

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

3 JEFFERY RAYMOND DAY,

No. C 11-2030 CW (PR)

4 Plaintiff,

ORDER OF DISMISSAL WITHOUT
PREJUDICE

5 v.

6 WARDEN, ATASCADERO STATE
HOSPITAL, et al.,

7 Defendants.
8 _____/

9 Plaintiff Jeffery Raymond Day, a state prisoner confined at
10 Atascadero State Hospital, filed the instant pro se prisoner
11 complaint under 42 U.S.C. § 1983. The in forma pauperis
12 application attached to the complaint bears the name of a different
13 individual, however, and the prison trust account statements
14 pertain to a third individual. Consequently, on the same day the
15 action was filed the Clerk of the Court sent a notice to Plaintiff,
16 informing him that his action could not go forward until he paid
17 the filing fee or filed a completed prisoner's in forma pauperis
18 application. The Clerk sent Plaintiff a blank in forma pauperis
19 application and told him that he must pay the fee or return the
20 completed application within thirty days or his action would be
21 dismissed. More than thirty days have passed and Plaintiff has not
22 paid the filing fee, returned the in forma pauperis application or
23 otherwise communicated with the Court.

24 Accordingly, this action is DISMISSED WITHOUT PREJUDICE.

25 This Order terminates Docket no. 3.

26 IT IS SO ORDERED.

27 Dated: 6/16/2011



28 _____
CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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

4 JEFFREY RAYMOND DAY,

5 Plaintiff,

6 v.

7 KATHLEEN DICKSEN et al,

8 Defendant.

Case Number: CV11-02030 CW

CERTIFICATE OF SERVICE

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

11 That on June 16, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
13 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
14 receptacle located in the Clerk's office.

15 Jeffery Raymond Day AT-060391
16 Atascadero State Hospital
17 10333 El Camino Real
18 Atascadero, CA 93422

Dated: June 16, 2011

Richard W. Wieking, Clerk
By: Nikki Riley, Deputy Clerk