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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

SEMPPLICIO ALLAN TOMAS,
Plaintiff,

No. C 12-2808 PJH (PR)

vs.

ORDER OF DISMISSAL

SANTA CRUZ BOARD OF
SUPERVISORS, et al.,
Defendants.

This is a civil rights case filed pro se by a state prisoner. The clerk notified plaintiff that his in forma pauperis (“IFP”) application was deficient because he had not used the prisoner form, had failed to submit the “Certificate of Funds in Inmate Account,” and had not attached a copy of transactions in his prison trust account. Plaintiff filed a “Motion to Reconsider Order to Pay Filing Fees,” pointing out that as a civilly-committed sexually violent predator he is not a “prisoner” as that term is used in the Prison Litigation Reform Act. The court agreed, but pointed out that he still is required to provide sufficient information to determine whether he is qualified to proceed IFP, and ordered him to either pay the filing fee or supply a declaration stating the amount of money in any institutional trust account he might have. He was warned that the case would be dismissed if he did not do one or the other. He has not responded.

Leave to proceed IFP (document number 7 on the docket) is **DENIED**. This case is **DISMISSED** without prejudice. The clerk shall close the file.

IT IS SO ORDERED.

Dated: August 3, 2012.



PHYLLIS J. HAMILTON
United States District Judge