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2
3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
5

6 EARL WARNER,

No. C 12-03657 YGR (PR)

7 Plaintiff,

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

8 vs.

9 MATTHEW L. CATE, et al.,

10 Defendants.
_____ /

11
12 On July 12, 2012, Plaintiff, a state prisoner, filed the present *pro se* prisoner complaint under
13 42 U.S.C. § 1983. Plaintiff has also filed a handwritten document entitled, "Motion to Proceed *In*
14 *Forma Pauperis* and Declaration in Support of [Motion]."

15 On that same date, the Clerk of the Court sent a notice to Plaintiff, informing him that he
16 used the he "did not use the correct [*in forma pauperis* application] form" and that his action could
17 not go forward until he paid the filing fee or filed a completed prisoner's *in forma pauperis*
18 application on this Court's current form. The Clerk sent Plaintiff a blank *in forma pauperis*
19 application and told him that he must pay the fee or return the completed application within thirty
20 days or his action would be dismissed. More than thirty days have passed, and Plaintiff has not paid
21 the filing fee, returned the *in forma pauperis* application or otherwise communicated with the Court.

22 Accordingly, this action is DISMISSED WITHOUT PREJUDICE. The Clerk shall enter
23 judgment, terminate all pending motions, and close the file.

24 IT IS SO ORDERED.

25 DATED: August 23, 2012

26 
27 YVONNE GONZALEZ ROGERS
28 UNITED STATES DISTRICT COURT JUDGE