

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

4 DARNELL EDWARD LEMONS,

No. C 13-02110 DMR (PR)

5 Plaintiff,

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

6 v.

7 D. LEWIS, et al.,

8 Defendants.
9 _____/

10 This action was opened on May 8, 2013, when the Court received from Inmate Darnell
11 Edward Lemons a letter that concerned prison conditions at Pelican Bay State Prison ("PBSP").

12 On the same date, the Clerk of the Court notified Plaintiff in writing that his action was
13 deficient in that he had not submitted his complaint on the proper complaint form and had not
14 submitted an *in forma pauperis* ("IFP") application. The Clerk further notified him that this action
15 would be dismissed if he did not submit a complaint on the proper form and a completed IFP
16 application within twenty-eight days.

17 On May 10, 2013, the Clerk notified Plaintiff in writing that this matter had been assigned to
18 the undersigned Magistrate Judge.

19 On May 22, 2013, Plaintiff consented to magistrate judge jurisdiction in this matter.
20 However, he did not submit a complaint on the proper form. Nor did he file a completed IFP
21 application.

22 On June 20, 2013, the Clerk sent another notice informing Plaintiff that this action would be
23 dismissed if he did not submit a complaint on the proper form and a completed IFP application
24 within twenty-eight days.

25 On July 11, 2013, Plaintiff submitted his *pro se* prisoner complaint under 42 U.S.C. § 1983
26 on the proper form. Plaintiff also filed a completed IFP application form; however, his certificate of
27 funds was not signed by an authorized PBSP officer and he did not file a copy of his prisoner trust
28 account statement.

1 On August 14, 2013, the Clerk notified Plaintiff that his IFP application was deficient due to
2 his failure to include the necessary documents in support of his application. The Clerk further
3 informed Plaintiff that his action could not go forward until he filed the necessary documents within
4 twenty-eight days, and that his failure to do so would result in dismissal of this action.

5 More than twenty-eight days have passed and Plaintiff has not submitted his certificate of
6 funds or his prisoner trust account statement.

7 Accordingly, this action is DISMISSED WITHOUT PREJUDICE. Plaintiff's IFP
8 application (Docket No. 9) is DENIED as incomplete. The Clerk of the Court shall enter judgment,
9 terminate all pending motions, and close the file.

10 IT IS SO ORDERED.

11 Dated: October 17, 2013



DONNA M. RYU
United States Magistrate Judge