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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In re DAVID MARTINEZ aka
ROBERT ANDREAS VASQUEZ,

Plaintiff

No. C 13-2839 PJH (PR)

ORDER OF DISMISSAL

_____ /

Plaintiff, a state prisoner has filed a pro se civil rights complaint under 42 U.S.C. § 1983, however he did not pay the filing fee or submit an application to proceed in forma pauperis ("IFP"). Plaintiff was sent a notice that he had not paid the filing fee or applied for leave to proceed IFP; and was allowed thirty days to either pay the fee or file the application. A copy of the court's form for applications to proceed IFP was provided with the notice, along with a return envelope.

The time period has passed and plaintiff has not filed a completed IFP application or paid the filing fee. Plaintiff did file a miscellaneous motion, that contains a partial IFP application, however the rest of the motion is rambling, confusing and incomprehensible. Plaintiff has filed similar cases and motions in this district, No. C 13-1053 PJH (PR), No. C 12-6515 PJH (PR), and in the Eastern District of California, No. 12-2562 JAM CKD. Therefore, the case will be dismissed for failure to pay the filing fee or submit an IFP application.

CONCLUSION

Plaintiff's motion (Docket No. 4) is **DENIED** and this case is **DISMISSED** without prejudice. No fee is due. The clerk shall close the file.

IT IS SO ORDERED.

Dated: August 27, 2013.



PHYLLIS J. HAMILTON
United States District Judge

United States District Court
For the Northern District of California