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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MAURICE P. OLIVIER,
Plaintiff,
v.
SCOTT KERNAN,
Defendant.

Case No. [17-cv-04953-PJH](#)

ORDER OF DISMISSAL

Re: Dkt. No. 5

This case was opened when plaintiff wrote a letter to the court regarding prison conditions. In an effort to protect his rights, it was filed as a new case. Plaintiff was informed that he had not filed a complaint and was given twenty-eight days to do so. He also was sent a notice that he had not paid the filing fee or applied for leave to proceed in forma pauperis ("IFP"); again, he was allowed twenty-eight 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 twenty-eight days has passed and plaintiff has filed a complaint but he has not paid the filing fee or filed an IFP application. This case is therefore **DISMISSED** without prejudice. The motion to relate the case (Docket No. 5) is **DENIED** as moot. The clerk shall close the file.

IT IS SO ORDERED.

Dated: October 5, 2017



PHYLLIS J. HAMILTON
United States District Judge

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CERTIFICATE OF SERVICE

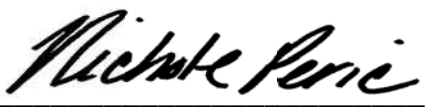
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 6, 2017, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Maurice P. Olivier ID: F83603
Valley State Prison
21633 Avenue 24
Chowchilla, CA 93610

Dated: October 6, 2017

Susan Y. Soong
Clerk, United States District Court

By: 
Nichole Peric, Deputy Clerk to the
Honorable PHYLLIS J. HAMILTON