

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER LEE CRAWFORD,
Plaintiff,
v.
C. E. DUCART,
Defendant.

Case No. [18-cv-05141-YGR](#) (PR)

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

United States District Court
Northern District of California

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This suit was reassigned from a magistrate judge to the undersigned in light of a recent Ninth Circuit decision.¹ On August 22, 2018, Plaintiff, a state prisoner, filed an incomplete *pro se* prisoner complaint form under 42 U.S.C. § 1983, which was mostly blank except for the caption, place of confinement, and grievance procedure acknowledgement on the first page as well as the date/signature on the last page. *See* Dkt. 1. On that same date, Plaintiff submitted to the Court an incomplete *in forma pauperis* (“IFP”) application, which was mostly blank except for the caption on the first page and the date/signature on the last page. Dkt. 2. He also attached his six-month prisoner trust account statement, but he did not provide his Certificate of Funds. *See id.*

On September 14, 2018, the Clerk of the Court sent a notification to Plaintiff informing him that he had not paid the filing fee and the IFP application he submitted was incomplete (the form was blank, and he had not submitted his Certificate of Funds). Dkt. 6. The Clerk provided Plaintiff with a blank IFP application form, along with a return envelope, instructions, and a notification that the case would be dismissed if Plaintiff failed to pay the fee or file the completed application within twenty-eight days.

On September 21, 2018, the Clerk sent another notification to Plaintiff explaining that his complaint form was incomplete. Dkt. 7. The Clerk provided Plaintiff with a copy of a blank complaint form, along with a return envelope, instructions, and a notification that the case would

¹ *Williams v. King*, 875 F.3d 500, 503 (9th Cir. 2017) (magistrate judge lacked jurisdiction to dismiss case on initial screening because unserved defendants had not consented to proceed before magistrate judge).

1 be dismissed if Plaintiff failed to submit a completed complaint on form within twenty-eight days.
2 To date, Plaintiff has failed to submit a completed complaint form, and the time to do so has
3 passed. The Court notes that on October 3, 2018, Plaintiff had sent a letter to the Clerk explaining
4 that he “had already submitted a 9 page Amended Complaint.” Dkt. 8. However, no such
5 amended complaint was attached to that October 3, 2018 letter. *See id.* And nothing in the record
6 indicates that such an amended complaint had ever been filed in this case.

7 On October 4, 2018, Plaintiff sent a letter to the Clerk indicating that he was attempting to
8 submit a completed IFP application, but prison officials in the trust account office had “delayed”
9 the processing of his IFP application. Dkt. 9 at 1.

10 On October 5, 2018, the Clerk of the Court sent a second notification to Plaintiff again
11 informing him that he had neither paid the filing fee nor filed a completed IFP application. Dkt.
12 10. The Clerk once again provided Plaintiff with a blank IFP application form, along with a return
13 envelope, instructions, and a notification that the case would be dismissed if Plaintiff failed to pay
14 the fee or file the completed application within twenty-eight days.

15 On October 9, 2018, Plaintiff submitted to the Court a filled-out IFP application and his
16 six-month prisoner trust account statement, but his Certificate of Funds was not included.

17 Thereafter, as indicated above, this case was reassigned to the undersigned judge. Dkts.
18 12, 13.

19 The twenty-eight-day deadline to submit his Certificate of Funds has passed, and Plaintiff
20 has failed to do so. As mentioned, Plaintiff has also failed to submit a completed complaint form
21 by the October 29, 2018 deadline, which passed more than sixty days ago. Nor does the record
22 show that Plaintiff actually filed a “9-page Amended Complaint” as he had indicated in his
23 October 3, 2018 letter. *See* Dkt. 8.

24 Accordingly, this action is DISMISSED WITHOUT PREJUDICE. Plaintiff’s IFP
25 application is DENIED as incomplete. The Clerk shall close the file.

26 IT IS SO ORDERED.

27 Dated: January 7, 2019

28 
YVONNE GONZALEZ ROGERS
United States District Court Judge