

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

United States District Court
For the Northern District of California

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN S. RHINE,)	No. C 08-03935 JF (PR)
Plaintiff,)	ORDER OF DISMISSAL
vs.)	
United States District Court Northern District of California,)	
Defendant.)	(Docket Nos. 2 & 4)

On August 18, 2008, Plaintiff, a state prisoner, filed the instant civil rights action pursuant to 42 U.S.C. § 1983. On that same day, the clerk of the Court sent a notification to Plaintiff that his application for leave to proceed in forma pauperis (Docket No. 2) was insufficient because Plaintiff did not submit a Certificate of Funds in Prisoner’s Account and a copy of his prisoner trust account statement showing transactions for the last six months. The notification included the warning that the case would be dismissed if Plaintiff failed to respond within thirty days. On September 11, 2008, Plaintiff filed another application which was insufficient for the same reasons above. (Docket No. 4.) The Court granted Plaintiff’s motion for an extension of time to file the necessary documents, *i.e.*, a Certificate of Funds in

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Prisoner's Account and a copy of his prisoner trust account statement showing transactions for the last six months, such that Plaintiff had until October 18, 2008 to complete his in forma pauperis application. The deadline as since passed, and Plaintiff has not paid the filing fee nor filed a completed in forma pauperis application. Accordingly, this case is DISMISSED without prejudice for failure to pay the filing fee or file a completed in forma pauperis application.

The Clerk shall terminate any pending motions (Docket Nos. 2 & 4) and close the file.

IT IS SO ORDERED.

DATED: 11/14/08



JEREMY FOGEL
United States District Judge