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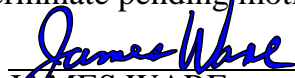
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

| | | |
|-----------------|---|------------------------|
| DAVID M. GATES, |) | No. C 09-05408 JW (PR) |
| |) | |
| Plaintiff, |) | ORDER OF DISMISSAL |
| |) | |
| vs. |) | |
| |) | |
| WARDEN, et al., |) | |
| |) | |
| Defendants. |) | |
| _____ |) | (Docket Nos. 5 & 14) |

Per order filed on March 31, 2010, the Court dismissed plaintiff's pro se prisoner civil rights complaint with leave to amend within thirty days, and advised plaintiff that failure to file a proper amended complaint within the designated time would result in the dismissal of this action. (See Docket No. 13 at 2.) Plaintiff was also given an extension of time to file a complete in forma pauperis application. (Id.)

More than thirty days have elapsed. However, plaintiff has not filed an amended complaint or sought an extension of time to do so. Plaintiff filed an in forma pauperis application on April 15, 2010, which is again insufficient for the same reasons as his initial application. (See Docket No. 13 at 2.) Accordingly, this action is DISMISSED. The clerk shall terminate pending motions and close the file.

DATED: July 13, 2010 _____



JAMES WARE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

DAVID M. GATES,
Plaintiff,

Case Number: CV09-05408 JW

CERTIFICATE OF SERVICE

v.

WARDEN, et al.,
Defendants.

_____/

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 7/13/2010, 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.

David Marshall Gates J-60908
Atascadero State Hospital
P. O. Box 7001
Atascadero, CA 93423

Dated: 7/13/2010

Richard W. Wieking, Clerk
/s/ By: Elizabeth Garcia, Deputy Clerk