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

HECTOR ZENDEJAS VEGA,)	No. C 10-03399 JW (PR)
)	
Plaintiff,)	ORDER OF DISMISSAL WITH
)	LEAVE TO AMEND; GRANTING
vs.)	EXTENSION OF TIME TO FILE
)	COMPLETE <i>IN FORMA PAUPERIS</i>
)	APPLICATION
R. GROUNDS, et al.,)	
)	
Defendants.)	
_____)	

On August 3, 2010, plaintiff filed what appears to be a standard form for filing a "Claim for Damage, Injury or Death" which is not recognized by this Court. On the same day, the clerk of the Court sent a notification to plaintiff that he must submit a complaint within thirty days or face dismissal of the action. (Docket No. 3.) The clerk also sent a notice to plaintiff directing him to either pay the filing fee or file an In Forma Pauperis Application within thirty days or face dismissal. (Docket No. 3.) The notice included a copy of this court's In Forma Pauperis Application and a return envelope. (Id.)

On October 14, 2010, plaintiff filed a letter requesting the status of this action. (Docket No. 4.) It is unclear whether plaintiff received either of the clerk notices described above. In the interest of justice, the Court will dismiss the

1 complaint with leave to amend and extend the time for plaintiff to file a complete in
2 forma pauperis application.

3
4 **CONCLUSION**

5 For the foregoing reasons, the Court orders as follows:

6 1. The complaint is DISMISSED with leave to amend. Within **thirty**
7 **(30) days** of the date this order is filed, plaintiff shall file an amended complaint
8 suing the court's form complaint. The amended complaint must include the caption
9 and civil case number used in this order and the words "AMENDED COMPLAINT"
10 on the first page and write in the case number for this action, Case No. C 10-03399
11 JW (PR).

12 Plaintiff is advised that to state a claim under 42 U.S.C. § 1983, a plaintiff
13 must allege that a person acting under the color of state law committed a violation of
14 a right secured by the Constitution or laws of the United States. West v. Atkins, 487
15 U.S. 42, 48 (1988). Plaintiff must identify defendants by name and state how each
16 individual defendant violated a specific federal right.

17 2. Plaintiff is granted an extension of time to file a complete in forma
18 pauperis application. Plaintiff must submit the completed application along with the
19 necessary documents **within thirty (30) days** from the date this order is filed.

20 **Failure to respond in accordance with this order by filing an amended**
21 **complaint and a complete in forma pauperis application will result in dismissal**
22 **of this case without prejudice and without further notice to plaintiff.**

23 The Clerk shall include two copies of the court's complaint and two copies of
24 the court's form complaint and two copies of the court's In Forma Pauperis
25 Application with a copy of this order to plaintiff.

26
27 DATED: January 24, 2011


28 JAMES WARE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

HECTOR ZENDEJAS VEGA,
Plaintiff,

Case Number: CV10-03399 JW

CERTIFICATE OF SERVICE

v.

R. GROUNDS, 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 1/31/2011, 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.

Hector Zendejas Vega 90628-111
COLEMAN II
U.S. PENITENTIARY
Inmate Mail/Parcels
P.O. BOX 1034
COLEMAN, FL 33521

Dated: 1/31/2011

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