

United States District Court

For the Northern District of California

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17IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID MARSHALL GATES, et al.,) No. C 11-03488 EJD (PR)
Plaintiffs,) ORDER OF DISMISSAL
vs.)
CALIFORNIA MEDICAL)
FACILITY WARDEN,)
Defendant.)
_____)

On July 15, 2011, Plaintiff David M. Gates, a state prisoner proceeding pro se, filed a letter which the Clerk opened as a civil rights action pursuant to 42 U.S.C. § 1983. The same day, the Clerk of the Court sent a notification to Plaintiff that he must submit a complaint within thirty days or the action would be dismissed. (See Docket No. 2.) The Clerk also sent him a separate notification that he had failed to pay the filing fee or file an In Forma Pauperis (“IFP”). (See Docket No. 3.) Plaintiff was advised to pay the filing fee or file an IFP application within thirty days to avoid dismissal of the action. (Id.)

On July 29, 2011, a complaint was filed in this matter but by a different Plaintiff. (See Docket No. 5.) That complaint is DISMISSED without prejudice to Plaintiff George Carlos Collado filing it as a separate action, and being subject to

United States District Court
For the Northern District of California

1 separate filing fees.

2 With respect to Plaintiff Gates, the deadline has since passed, and Plaintiff
3 has not filed a complaint, nor paid the filing fee or filed an IFP application.

4 Accordingly, this case is DISMISSED without prejudice for failure to pay the filing
5 fee.

6 The Clerk of the Court shall send a copy of this order and corresponding
7 judgment to both Plaintiffs listed in this action.

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9 DATED: September 9, 2011


EDWARD J. DAVILA
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

DAVID M. GATES, et al.,

Case Number: CV11-03488 EJD

Plaintiffs,

CERTIFICATE OF SERVICE

v.

CALIFORNIA MEDICAL FACILITY
WARDEN,

Defendant.

/

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 9/13/2011, 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.

David Marshall Gates J-60908
California Medical Facility (CMF)
P. O. Box 2000
Vacaville, CA 95687

George Carlos Collado F61702
California Medical Facility
P. O. Box 2000
Vacaville, CA 95687

Dated: 9/13/2011

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