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For the Northern District of Californi

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

IN RE DAVID MARSHALL GATES,

Plaintiff.

No. C 12-02199 EJD (PR) ORDER OF DISMISSAL

On May 2, 2012, Plaintiff, a prisoner at the California Medical Facility in Vacaville, filed a batch of documents in this Court, including a partially completed court form complaint under 42 U.S.C. § 1983. The same day, the Clerk of the Court sent a notification to Plaintiff that he must file a proper complaint within thirty days to avoid dismissal of the action. (Docket No. 3.) The Clerk also sent a separate notice that Plaintiff did not pay the filing fee or file an <u>In Forma Pauperis</u> ("IFP") Application, and that he must do so within thirty days to avoid dismissal of the action. (Docket No. 2.) On May 16, 2012 and May 31, 2012, the mail sent to Plaintiff were returned as undeliverable due to addressing errors. (Docket Nos. 4 & 5.) The notices were resent to Plaintiff on May 21, 2012 and again on June 26, 2012.

On July 13, 2012, Plaintiff filed a form complaint containing illegible writing and unresponsive answers to the questions therein. (Docket No. 6.) The document

Order of Dismissal 02199Gates_dism-ifp.wpd

1	is insufficient to constitute a proper complaint. Furthermore, Plaintiff has failed to					
2	either pay the filing fee or file an IFP application in the time provided.					
3	Accordingly, this case is DISMISSED without prejudice for failure to pay the					
4	filing fee.				\sim \wedge \cdot	
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UNITED STATES DISTRICT COURT

FOR THE

NORTHERN DISTRICT OF CALIFORNIA

IN RE DAVID MARSHALL GATES,

Plaintiff.

Case Number: CV12-02199 EJD

CERTIFICATE OF SERVICE

_____/

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 $\frac{8/7/2012}{1}$, 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 P.O. Box 2000 Vacaville, CA 95696-2000

Dated: _____8/7/2012

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