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

IN RE DAVID MARSHALL
GATES,

 Plaintiff.

_____)

No. C 12-02200 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, which included a “Health Care Services Request Form” and a blank In Forma Pauperis Application for filing a non-habeas civil rights action. (Docket No. 1.) The Clerk of the Court construed this filing as an attempt to file a civil rights action under 42 U.S.C. § 1983, and on the same day, 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 In Forma Pauperis (“IFP”) Application, and that he must do so within thirty days to avoid dismissal of the action. (Docket No. 2.) On May 31, 2012, the mail sent to Plaintiff was returned as undeliverable due to an addressing error. (Docket No.4.) The notices were resent to Plaintiff on June 26, 2012.

The deadline has since passed, and Plaintiff has not filed a proper complaint,

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nor has Plaintiff either paid the filing fee or filed an IFP application in the time provided.

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

DATED: 8/3/2012


EDWARD J. DAVILA
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

IN RE DAVID MARSHALL GATES,
Plaintiff.

Case Number: CV12-02200 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 8/7/2012, 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

Dated: 8/7/2012

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