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FILED

OCT 23 2013

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

| | | |
|--------------------------|---|-----------------------------|
| VINCENT P. TERRY, |) | Case No. C 13-3435 PSG (PR) |
| |) | |
| Plaintiff, |) | ORDER OF DISMISSAL |
| |) | |
| v. |) | |
| |) | |
| UNITED STATES PATENT AND |) | |
| TRADEMARK OFFICE, |) | |
| |) | |
| Defendant. |) | |

On July 25, 2013, plaintiff, proceeding *pro se*, filed a civil rights complaint, pursuant to 42 U.S.C. § 1983. That same day, plaintiff also filed an incomplete application to proceed in forma pauperis (“IFP”). The Clerk notified plaintiff that he had not paid the filing fee, nor had he filed a complete application to proceed IFP. Along with the deficiency notice, plaintiff was provided with an IFP application and instructions for completing it. Plaintiff was further cautioned that his failure to file a complete IFP application, or pay the filing fee within twenty-eight days would result in the dismissal of this action. On September 10, 2013, plaintiff consented to proceeding before a magistrate judge. That same day, plaintiff also requested an extension of time within which to file a complete IFP application. On October 2, 2013, the court granted plaintiff an additional fourteen days within which to file a complete IFP application or

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ORDER OF DISMISSAL

1 face dismissal of this action. More than fourteen days have passed and plaintiff has not paid his
2 filing fee, nor has he filed a complete IFP application.

3 Accordingly, the instant action is DISMISSED without prejudice. The Clerk shall
4 terminate all pending motions, enter judgment, and close the file.

5 IT IS SO ORDERED.

6 DATED: 10.23.13

res. [Signature]
PAUL S. GREWAL
United States Magistrate Judge

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