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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

DEANNA RAE PORTER-WEESE-HEFT,
Plaintiff,
v.
HELLS ANGELS MOTORCYCLE SAN
JOSE CHAPTER,
Defendant.

Case No. 15-cv-03201-BLF

ORDER DISMISSING CASE

When Plaintiff filed the complaint in this action, she did not pay the filing fee but instead submitted an application to proceed in forma pauperis. Plaintiff’s application to proceed in forma pauperis was denied as incomplete and Plaintiff was granted fourteen days, until September 3, 2015, to file a renewed application. Plaintiff did not file a renewed application within the time provided.

On October 13, 2015, the Court – still not having received a renewed application to proceed in forma pauperis – issued an order setting a deadline of October 27, 2015 for payment of the filing fee. The order informed Plaintiff that failure to pay the filing fee by that date would result in dismissal of the case without prejudice under Federal Rule of Civil Procedure 41(b). *See* Order Setting Deadline for Payment of Filing Fee at 1, ECF 16. Plaintiff did not pay the filing fee within the time provided and still has not paid it.

On November 6, 2015, Plaintiff filed a letter to the Court complaining that the city, county, state, and country have been overrun by Spanish speakers who are given more rights than Plaintiff by “corrupt governmental agencies” because “they are the preferred people afforded more rights than” Plaintiff, who is “white.” Letter, ECF 17. Nowhere in the letter does Plaintiff request relief from the Court’s order requiring her to pay the filing fee. *Id.* The letter sets forth Plaintiff’s

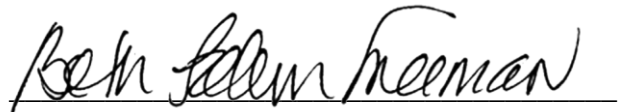
1 mailing address, which is the same as her address of record to which the Court's Order Setting
2 Deadline for Payment of Filing Fee was mailed. Therefore, there is no suggestion on the record
3 that Plaintiff did not receive the Court's Order Setting Deadline for Payment of Filing Fee.

4 Accordingly, this action is DISMISSED WITHOUT PREJUDICE. *See* Fed. R. Civ. P.
5 41(b); *Anthony v. United States Dep't of the Interior*, No. 11-35030, 2012 WL 907491, at **1 (9th
6 Cir. March 19, 2012) (affirming dismissal without prejudice under Rule 41(b) where plaintiff
7 failed to submit application to proceed in forma paupers or pay the filing fee).

8 **IT IS SO ORDERED.**

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Dated: November 9, 2015


BETH LABSON FREEMAN
United States District Judge