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

KING ROMANO RA PHARAOH  
BEAUJAYAM ALI EL YASHU©,

Plaintiff,

v.

THE ARREST, et al.,

Defendants.

Case No. [16-cv-06637-BLF](#)

**ORDER TO SHOW CAUSE WHY THIS  
CASE SHOULD NOT BE DISMISSED**

On November 16, 2016, Plaintiff filed the complaint in this action along with an application to proceed in forma pauperis (“IFP”). ECF 1, 3. On November 22, 2016, the Court denied Plaintiff’s application to proceed IFP without prejudice because the complaint fails to state a claim on which relief may be granted and is frivolous. ECF 5. The Court granted Plaintiff until December 21, 2016, to file an amended complaint and renewed application to proceed IFP. *Id.* As of yet, Plaintiff has not filed either an amended complaint or a renewed application.

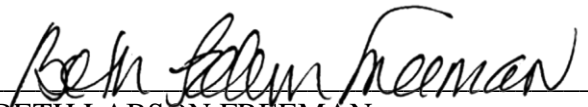
Plaintiff therefore must file an amended complaint *and* either pay the filing fee of \$400.00 or file a renewed application to proceed IFP **on or before February 2, 2017** if he wishes to proceed with this case. If Plaintiff does not file an amended complaint *and* pay the filing fee or file an amended IFP application on or before February 2, 2017, the case will be dismissed without prejudice. *See* Fed. R. Civ. P. 41(b) (providing for dismissal if plaintiff fails to prosecute action or to comply with the Federal Rules of Civil Procedure or a court order); *Madden v. Badgett*, 122 F.3d 1072 (Table), 1997 WL 556361, at \*1 (9th Cir. Aug. 29, 1997) (affirming dismissal of action under Rule 41(b) where plaintiff failed to pay the filing fee or to submit prison trust account statement); *Soto v. Hayes*, No. C-94-0098-VRW, 1995 WL 150572, at \*1 (N.D. Cal. Mar. 20,

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1995) (dismissing action under Rule 41(b) for failing to pay the filing fee).

**IT IS SO ORDERED.**

Dated: January 4, 2017

  
BETH LABSON FREEMAN  
United States District Judge