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28United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE DARREN HARRIS,
Plaintiff.

Case No. 17-01306 EJD (PR)
ORDER OF DISMISSAL

On March 13, 2017, Plaintiff, a California state prisoner, filed a letter which was construed as an attempt to file a pro se civil rights action pursuant to 42 U.S.C. § 1983.¹ The Clerk sent Plaintiff a notice informing him that he needed to file a proper complaint using the court’s form complaint within twenty-eight days or be subject to dismissal. (Docket No. 2.) The Clerk sent a separate notice to Plaintiff informing him that he must either pay the filing fee or file an In Forma Pauperis (“IFP”) application within twenty-eight days or else the case would be dismissed. (Docket No. 3.) On April 10, 2017, Plaintiff filed another letter stating that he is attaching a “complaint.” (Docket No. 4.) The document Plaintiff sent was an inmate appeal filed on April 2, 2017, not a complaint. (Id. at 2.) On April 27, 2017, the Court granted Plaintiff a twenty-eight day extension of time

¹ This matter was reassigned to this Court on April 24, 2017, after Plaintiff did not consent to magistrate jurisdiction. (Docket No. 6.)

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to file a proper complaint using the court's form complaint and either pay the filing fee or file an IFP application in the same time provided. (Docket No. 7.) Plaintiff was warned that failure to file a proper complaint and to either pay the filing fee or file an IFP application in the time provided would result in the dismissal of this action without prejudice and without further notice to Plaintiff. (Id.)

The deadline for Plaintiff to comply with the Court's order has passed. Because Plaintiff has failed to file a proper complaint or to either pay the filing fee or file an IFP application, this action is **DISMISSED** without prejudice. The Clerk shall terminate all pending motions and close the file.

IT IS SO ORDERED.

Dated: 6/1/2017



EDWARD J. DAVILA
United States District Judge