

United States District Court
Northern District of California

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FILED

JUN 14 2017

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL T. MILLER,
Plaintiff,

v.

UNKNOWN,
Defendant.

Case No. 17-CV-01411-LHK (PR)

ORDER OF DISMISSAL

On March 15, 2017, plaintiff, a California state prisoner, filed a letter which the court construed as a *pro se* complaint pursuant to 42 U.S.C. § 1983.¹ That same day, the clerk sent plaintiff a notice that he must submit a complaint within twenty-eight days to avoid dismissal of the action. He was also advised that he had not paid the filing fee and must either pay the filing fee or file a complete application to proceed *in forma pauperis* (“IFP”) within the same time period. Plaintiff then filed two additional letters complaining of the same actions described in his first letter. Dkt. Nos. 5, 6. Thereafter, on April 17, 2017, the clerk again sent plaintiff notices informing him that he must submit a complaint and either pay the filing fee or file a complete IFP application within twenty-eight days to avoid dismissal of the action. Dkt. Nos 7, 8. On April 24, 2017, plaintiff filed an incomplete IFP application. On May 5, 2017, plaintiff sent another letter

¹ On May 8, 2017, this case was reassigned to the undersigned after plaintiff failed to consent to magistrate jurisdiction.

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stating that he had paid the full \$400 filing fee as well as filed a complaint. Dkt. No. 10. To date, the court has not received a complete IFP application, the \$400 filing fee, or a complaint.

Therefore, this case is **DISMISSED** without prejudice.

IT IS SO ORDERED.

Dated: 6/14/2017

Lucy H. Koh
LUCY H. KOH
United States District Judge