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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAIN RE RICKY TYRONE FOSTER,
Plaintiff.

Case No. 20-08012 EJD (PR)

ORDER OF DISMISSAL

On November 16, 2020, Plaintiff, a state prisoner, filed a letter which was construed as an attempt to file a civil rights action pursuant to 42 U.S.C. § 1983.¹ Dkt. No. 1. On the same day, the Clerk sent Plaintiff a notice that he had to file a proper complaint using the court form, as well as a separate notice that he had not paid the filing fee or filed an application to proceed *in forma pauperis* (“IFP”). Dkt. Nos. 2, 3. The notices directed Plaintiff to file the complaint and a complete IFP motion within twenty-eight days or face dismissal. *Id.* The deadline, December 24, 2020, has passed, and Plaintiff has not filed a proper complaint or an IFP application, despite filing a response to a separate notice regarding consent to magistrate jurisdiction. Dkt. No. 5. Accordingly, Plaintiff’s case is **DISMISSED** without prejudice for failure to file a complaint and to pay the filing fee.

¹ This matter was reassigned to this Court on January 4, 2021, pursuant to Williams v. King, 875 F.3d 500 (9th Cir. 2017). Dkt. Nos. 6, 7.

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The Clerk shall terminate all pending motions and close the file.

IT IS SO ORDERED.

Dated: 1/8/2021



EDWARD J. DAVILA
United States District Judge