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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

ALFONZO L. GILLINS,  
  
Plaintiff,  
  
vs.  
  
US XPRESS,  
  
Defendant.

Civil No. 07CV1943 J (CAB)

**ORDER:**

**(1) DENYING PLAINTIFF’S  
MOTION FOR EXTENSION OF  
TIME; and**

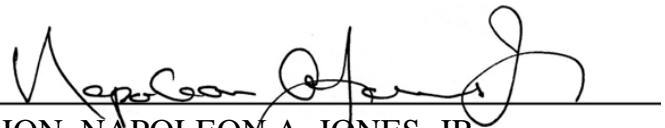
**(2) DISMISSING THE ACTION  
WITHOUT PREJUDICE**

Plaintiff Alfonzo L. Gillins (“Plaintiff”) has submitted a civil complaint against U.S. Xpress (“Defendant”). Before the Court are Plaintiff’s Motion for Extension of Time, Motion to Reconsider Pauperism, Motion to Appoint Counsel, and Motion to Accept Additional Financial Statements. [Doc. No. 9.] Previously, Plaintiff filed a Motion to Proceed in Forma Pauperis [doc. no. 2], and a Motion to Appoint Counsel [doc. no. 3]. On January 10, 2008, the Court issued an Order denying the motion to proceed in forma pauperis and denying the request for appointment of counsel as moot. [Doc. No. 6.] In that Order, the Court notified Plaintiff that in order to avoid dismissal of his case, he must either pay the filing fee of \$350 or submit adequate proof of his inability to pay the fee by February 19, 2008. (Order at 2.) Plaintiff did not submit the present motions and documentation until June 6, 2008, and he offers no reason

1 for missing the deadline set by the Court by nearly four months. Because the present motions  
2 are untimely per the Court's January Order, the Court now **DENIES** the motion for extension  
3 of time and **DISMISSES** the present action **without prejudice**. Plaintiff's Motion to  
4 Reconsider Pauperism, Motion to Appoint Counsel, and Motion to Accept the Additional  
5 Financial Statements are **DENIED as moot**. Plaintiff may continue to pursue his claims by  
6 filing a new complaint.

7 **IT IS SO ORDERED.**

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10 DATED: March 20, 2009

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12 HON. NAPOLEON A. JONES, JR.  
13 United States District Judge  
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