

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

GARY JEROME HARPER,

Plaintiff,

Case No. 3:13-cv-00561-MMD-WGC

## ORDER

LISA WALSH, et al.,

## Defendants.

12 Plaintiff has not timely responded to the prior order directing that he file a  
13 completed CJA 23 form within twenty-one (21) days of entry of the order. (Dkt. no. 10.)  
14 Plaintiff is no longer in custody, and the prison mailbox rule therefore does not apply to  
15 his submissions. The order stated that failure to timely comply with the order would  
16 result in the action being dismissed without further advance notice. In dismissing the  
17 action without prejudice, the Court has considered the public's interest in expeditious  
18 resolution of litigation, the need to manage its docket, the risk of prejudice, the public  
19 policy favoring disposition of cases on their merits, and the possible availability of  
20 actions other than dismissal.

21 It is therefore ordered that the application to proceed *in forma pauperis* (dkt. no.  
22 1) is denied without prejudice and that this action shall be dismissed without prejudice.

23 The Clerk of Court shall enter final judgment, dismissing this action without  
24 prejudice.

DATED THIS 17<sup>th</sup> day of September 2014.

14.

MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE