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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VAUGHN EMERY WALTON,

Plaintiff,

No. 2:10-cv-1591 FCD DAD (PC)

vs.

MICHEAL EVANS, Warden, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. By an order filed November 8, 2010, plaintiff was ordered to file a complete in forma pauperis application together with a certified copy of his prison trust account statement for the six month period immediately preceding the filing of the complaint. Plaintiff failed to comply with that order, and on January 3, 2011 this court issued findings and recommendations recommending that this action be dismissed.

On January 19, 2011, plaintiff filed objections to the findings and recommendations. Although plaintiff’s objections do not directly address his failure to file an in forma pauperis application and are not accompanied by an in forma pauperis application, in an abundance of caution the court will vacate the findings and recommendations and granted plaintiff one final period of thirty days in which to comply with the court’s November 8, 2010

1 order. Plaintiff is cautioned that failure to file a properly completed in forma pauperis
2 application will result in a recommendation that this action be dismissed.

3 In accordance with the above, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed January 3, 2011 are vacated;

5 2. The Clerk of the Court is directed to send plaintiff a form Application to
6 Proceed In Forma Pauperis;

7 3. Plaintiff is granted thirty days from the date of this order in which to file a
8 completed in forma pauperis application; and

9 4. Plaintiff's failure to comply with this order will result in a recommendation
10 that this action be dismissed without prejudice.

11 DATED: March 9, 2011.

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14 _____
15 DALE A. DROZD
16 UNITED STATES MAGISTRATE JUDGE

16 DAD:12
17 walt1591.vac