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

ANTHONY R. TURNER,

Plaintiff,

No. 2:11-cv-0451 MCE JFM (PC)

vs.

DIANE SHEPARD, et al.,

Defendants.

ORDER

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Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. On March 28, 2011 and April 20, 2011, plaintiff was directed to complete the in forma pauperis application form. Because plaintiff did not file a completed application form, the undersigned issued findings and recommendations on June 27, 2011 recommending that this action be dismissed without prejudice.

On July 11, 2011, plaintiff filed a request for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Plaintiff has not, however, filed a certified copy of his prison trust account statement for the six month period immediately preceding the filing of the complaint and obtained the certification required on the application form. See 28 U.S.C. § 1915(a)(2). In his request to proceed in forma pauperis, plaintiff contends the accountant at California State Prison – Corcoran (“CSP-Corcoran”), where he is presently housed, refuses to sign the certificate portion of the application.

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

2 1. The June 27, 2011 findings and recommendations are vacated;

3 2. Plaintiff shall submit, within thirty days from the date of this order EITHER  
4 proof that he submitted a completed in forma pauperis application to officials at CSP-Corcoran  
5 for certification, OR a certified copy of his prison trust account statement for the six month  
6 period immediately preceding the filing of the complaint and the certification required on the  
7 application form. Plaintiff's failure to comply with this order will result in renewed  
8 recommendation that this action be dismissed without prejudice; and

9 3. The Clerk of the Court is directed to send plaintiff a new Application to  
10 Proceed In Forma Pauperis By a Prisoner.

11 DATED: September 8, 2011.

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14 UNITED STATES MAGISTRATE JUDGE

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