



1 application. LRCiv 3.4(a).

2 If a prisoner is granted leave to proceed *in forma pauperis*, the Court will assess an  
3 initial partial filing fee of 20% of either the average monthly deposits or the average monthly  
4 balance in Plaintiff's account, whichever is greater. 28 U.S.C. § 1915(b)(1). An initial  
5 partial filing fee will only be collected when funds exist. 28 U.S.C. § 1915(b)(4). The  
6 balance of the fee will be collected in monthly payments of 20% of the preceding month's  
7 income credited to an inmate's account, each time the amount in the account exceeds \$10.00.  
8 28 U.S.C. § 1915(b)(2).

9 **II. Application Fails to Comply With Statute**

10 Plaintiff has submitted only the first page of the court-approved form. Plaintiff must  
11 complete and submit the complete form. Specifically, he must complete the "Consent to  
12 Collection of Fees from Trust Account" section on page 2 of the approved form. In addition,  
13 he must have the "Certificate of Correctional Official as to Status of Applicant's Trust  
14 Account" section completed and submit a certified six-month trust account statement.  
15 Plaintiff's incomplete application will be denied and Plaintiff will be permitted 30 days to  
16 either pay the \$350.00 filing fee or file a complete Application to Proceed *In Forma*  
17 *Pauperis*.

18 **III. Warnings**

19 **A. Address Changes**

20 Plaintiff must file and serve a notice of a change of address in accordance with Rule  
21 83.3(d) of the Local Rules of Civil Procedure. Plaintiff must not include a motion for other  
22 relief with a notice of change of address. Failure to comply may result in dismissal of this  
23 action.

24 **B. Copies**

25 Plaintiff must submit an additional copy of every filing for use by the Court. See  
26 LRCiv 5.4. Failure to comply may result in the filing being stricken without further notice  
27 to Plaintiff.

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**C. Possible Dismissal**

If Plaintiff fails to timely comply with every provision of this Order, including these warnings, the Court may dismiss this action without further notice. See Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (a district court may dismiss an action for failure to comply with any order of the Court).

**IT IS ORDERED:**

- (1) Plaintiff's Application to Proceed *In Forma Pauperis*, filed with the Complaint, is **denied without prejudice**. (Doc.# 3.)
- (2) Within 30 days of the date this Order is filed, Plaintiff must either pay the \$350.00 filing fee **or** file a completed Application to Proceed *In Forma Pauperis* and a certified six-month trust account statement.
- (3) If Plaintiff fails to either pay the \$350.00 filing fee or file a completed Application to Proceed *In Forma Pauperis* within 30 days, the Clerk of Court must enter a judgment of dismissal of this action without prejudice and without further notice to Plaintiff.
- (4) The Clerk of the Court must mail Plaintiff a court-approved form for filing an Application to Proceed *In Forma Pauperis* (Non-Habeas).

Dated this 19th day of November, 2009.

  
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Robert C. Broomfield  
Senior United States District Judge