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

JAMES E. SMITH,

1:06-CV-00310 AWI LJO P

Plaintiff,

vs.

ORDER TO SUBMIT APPLICATION
TO PROCEED IN FORMA PAUPERIS
OR FILING FEE

SCRIBNER, et al.,

Defendants.

_____ /

Plaintiff is a state prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has not paid the \$250.00 filing fee, or submitted an application to proceed in forma pauperis on the appropriate form pursuant to 28 U.S.C. § 1915. Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk's Office shall send to plaintiff the form for application to proceed in forma pauperis.
2. Within **thirty (30) days** of the date of service of this order, plaintiff shall submit a completed application to proceed in forma pauperis, or in the alternative, pay the \$250 filing fee for this action. Failure to comply with this order will result in a recommendation that this action be dismissed.

IT IS SO ORDERED.

Dated: April 4, 2006
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/s/ Lawrence J. O'Neill
UNITED STATES MAGISTRATE JUDGE