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

RICKIE LAYNE McCLELLAN,

1:06-CV-0448 AWI LJO P

Plaintiff,

vs.

ORDER TO SUBMIT NEW
APPLICATION TO PROCEED
IN FORMA PAUPERIS **OR**
PAY FILING FEE

MACK WIMBISH, et al.,

Defendants.

_____ /

Plaintiff has filed a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff is presently confined at Atascadero State Hospital. Individuals detained pursuant to California Welfare and Institutions Code § 6600 et seq. are civil detainees and are not prisoners within the meaning of the Prison Litigation Reform Act. Page v. Torrey, 201 F.3d 1136, 1140 (9th Cir. 2000). Accordingly, the court will send plaintiff an application **by a non-prisoner** to proceed in forma pauperis used in regular civil actions.

Plaintiff will be provided the opportunity to submit an application to proceed in forma pauperis **by a non-prisoner, or** pay the \$350.00 filing fee.

Accordingly, IT IS HEREBY ORDERED that:

1 1. The Clerk's Office shall send to plaintiff the form for application to
2 proceed in forma pauperis **for a non-prisoner**;

3 2. Within **thirty (30) days** of the date of service of this order, plaintiff shall
4 submit a completed application to proceed in forma pauperis **for a non-prisoner**, or in the
5 alternative, pay the \$350.00 filing fee for this action. Failure to comply with this order will result
6 in a recommendation that this action be dismissed.

7
8 IT IS SO ORDERED.

9 **Dated:** May 1, 2006
10 i0d3h8

/s/ Lawrence J. O'Neill
UNITED STATES MAGISTRATE JUDGE