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6 UNITED STATES DISTRICT COURT  
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11 EASTERN DISTRICT OF CALIFORNIA  
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SEVAN KAYAIAN, ) 1:06-cv-1633-AWI-SMS  
11 Plaintiff, )  
12 v. ) ORDER TO PLAINTIFF TO PAY THE  
13 AMERICAN AMBULANCE, ) \$350.00 FILING FEE OR, IN THE  
14 Defendants. ) ALTERNATIVE, TO FILE A COMPLETE  
15 ) APPLICATION TO PROCEED IN FORMA  
16 ) PAUPERIS NO LATER THAN TWENTY  
17 ) DAYS AFTER THE DATE OF SERVICE OF  
18 ) THIS ORDER (DOC. 2)  
19 ) ORDER DIRECTING THE CLERK TO SEND  
20 ) TO PLAINTIFF WITH THIS ORDER A  
21 ) BLANK IN FORMA PAUPERIS  
22 ) APPLICATION FOR A PLAINTIFF WHO  
23 ) IS OUT OF CUSTODY

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Plaintiff is proceeding pro se with an action for damages and other relief concerning alleged civil rights violations. The matter has been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b) and Local Rules 72-302 and 72-304.

Plaintiff filed a complaint and a motion to proceed in forma pauperis on November 14, 2006. However, Plaintiff did not complete the application to proceed in forma pauperis. Plaintiff stated that he had a savings account but did not state the total amount. Plaintiff also stated that he was not currently employed

1 but did not indicate the date of his last employment, the amount  
2 of his take-home salary or wages and pay period, or the name and  
3 address of the last employer.

4 Title 28 U.S.C. § 1915(a)(1) provides that any court of the  
5 United States may authorize the commencement, prosecution of  
6 defense of any civil or criminal suit, action, proceeding, or any  
7 appeal therein, without prepayment of fees or security therefor,  
8 by a person who submits an affidavit that includes a statement of  
9 all assets the person possesses and that the person is unable to  
10 pay such fees or give security therefor. Id.; Floyd v. United  
11 States Postal Service, 105 F.3d 274, 275-77 (6<sup>th</sup> Cir. 1997),  
12 modified on other grounds in Callihan v. Schneider, 178 F.3d 800,  
13 801 (6<sup>th</sup> Cir. 1999).

14 Here, because Plaintiff did not complete his application,  
15 the Court cannot determine whether Plaintiff qualifies  
16 financially to proceed in forma pauperis. The Court must have all  
17 the information requested in the application. Without knowing the  
18 information requested, the Court cannot determine whether to  
19 grant or to deny the application.

20 Until a completed application is filed and granted, the  
21 Court will not proceed to screen the complaint and determine  
22 whether to issue an order directing service.

23 The Court will give Plaintiff an opportunity either to pay  
24 the \$350.00 filing fee, or to submit a new application that is  
25 complete and that gives the Court all the required information.

26 Accordingly, it IS ORDERED that no later than twenty days  
27 after the date of service of this order Plaintiff SUBMIT a  
28 completed application to proceed in forma pauperis OR PAY the

1 \$350.00 filing fee; and the Clerk IS DIRECTED to send to  
2 Plaintiff with this order a blank application to proceed in forma  
3 pauperis for a person not in custody.

4 Plaintiff IS INFORMED that a failure to comply with this  
5 order will result in a recommendation that this action be  
6 dismissed.

7  
8 IT IS SO ORDERED.

9 **Dated: November 21, 2006**  
10 icido3

**/s/ Sandra M. Snyder**  
UNITED STATES MAGISTRATE JUDGE