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

SHAULTON J. MITCHELL,
Plaintiff,
vs.
J. HERNANDEZ, et al.,
Defendants.

1:07-cv-001322-AWI-DLB (PC)
ORDER TO SUBMIT NEW
APPLICATION TO PROCEED
IN FORMA PAUPERIS AND
CERTIFIED COPY OF TRUST ACCOUNT
STATEMENT **OR** PAY FILING FEE
WITHIN THIRTY (30) DAYS

_____/

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983 together with an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. However, plaintiff's application to proceed in forma pauperis was deficient as follows:

1. The application did not include the required original signature by an authorized officer of the institution of incarceration. See 28 U.S.C. § 1915(a)(2); and
2. The application did not include a certified copy of plaintiff's prison trust account statement for the six month period immediately preceding the filing of the complaint. See 28 U.S.C. § 1915(a)(2).

Plaintiff will be provided the opportunity to submit a new application to proceed in forma pauperis and a certified copy of his trust account statement, **or** to pay the \$350.00 filing

1 fee.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. The Clerk's Office shall send plaintiff the form for application to proceed in
4 forma pauperis.

5 2. Within thirty (30) days of the date of service of this order, plaintiff shall submit
6 a completed application to proceed in forma pauperis and a certified copy of his prison trust
7 account statement for the six month period immediately preceding the filing of the complaint, or
8 in the alternative, to pay the \$350.00 filing fee for this action. Failure to comply with this order
9 will result in a recommendation that this action be dismissed.

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11 IT IS SO ORDERED.

12 **Dated: September 13, 2007**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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