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

ERNEST MILLER, JR.,
Plaintiff,
vs.
CDC WARDEN AND STAFF, et al.,
Defendants.

1:07-cv-001416-LJO-DLB (PC)

ORDER TO SUBMIT APPLICATION
TO PROCEED IN FORMA PAUPERIS
OR PAY FILING FEE WITHIN THIRTY
DAYS

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 \$350.00 filing fee, or submitted an application to proceed in forma pauperis 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 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 \$350 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: October 3, 2007

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE