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

GREGORY McCLELLAN,
Plaintiff,
vs.
J. HAVILAND, et al.,
Defendants.

1:07-cv-01607-OWW-SMS (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:

The application did not include the required original signature by an authorized officer of the institution of incarceration. 28 U.S.C. § 1915(a)(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. 28 U.S.C. § 1915(a)(2).

1 Plaintiff will be provided the opportunity to submit a new application to proceed
2 in forma pauperis and a certified copy of his trust account statement, **or** to pay the \$350.00 filing
3 fee. Plaintiff is informed that it is his responsibility to follow procedures at the prison to ensure
4 that the court received the required documents or filing fee.

5 Accordingly, IT IS HEREBY ORDERED that:

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

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

13 IT IS SO ORDERED.

14 **Dated:** November 8, 2007

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE