

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

ESS'NN A. AUBERT,
Plaintiff,
vs.
KEVIN ELIJAH, et al,
Defendants.

1:07-cv-01629-LJO-GSA (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.

4 Accordingly, IT IS HEREBY ORDERED that:

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

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

12
13 IT IS SO ORDERED.

14 **Dated: November 16, 2007**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE