

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

SHAWN MICHAEL HUSZAR,

1:07-cv-01685-AWI-SMS (PC)

Plaintiff,

vs.

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

STATE OF CALIFORNIA, et al.,

Defendants.

_____ /

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).

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. Plaintiff is advised that it is his responsibility to comply with procedures at the prison to
2 ensure the court receives the required documents or the filing fee.

3 Accordingly, IT IS HEREBY ORDERED that:

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

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

11 IT IS SO ORDERED.

12 **Dated: November 27, 2007**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

13
14
15
16
17
18
19
20
21
22
23
24
25
26