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

ULICES MENDOZA GUIZAR,
Plaintiff,
vs.
UNITED STATES OF AMERICA,
Defendant.

1:09-cv-01372-GSA (PC)
ORDER STRIKING UNSIGNED
COMPLAINT, AND REQUIRING PLAINTIFF
TO FILE SIGNED COMPLAINT WITHIN
THIRTY DAYS
(Doc. 2)
ORDER REQUIRING PLAINTIFF TO FILE
APPLICATION TO PROCEED IN FORMA
PAUPERIS OR PAY FILING FEE WITHIN
THIRTY DAYS

_____ /

On August 4, 2009, Ulices Mendoza Guizar filed a petition pursuant to 28 U.S.C. § 2255 in case number 1:08-cr-00225-LJO. Plaintiff’s petition was denied by the Honorable Lawrence J. O’Neill on August 4, 2009, and pursuant to Judge O’Neill’s order, this civil rights action was opened in light of Plaintiff’s contention that his medical needs are not being met, which may give rise to a viable claim for violation of the Eighth Amendment of the United States Constitution.

Upon review, the Court finds that Plaintiff failed to sign his petition, construed as a complaint in this action. Therefore, it shall be stricken from the record and Plaintiff shall file a signed complaint within thirty days. Fed. R. Civ. P. 11(a); Local Rule 7-131.

///

1 To proceed with this civil rights action, Plaintiff must either pay the \$350.00 filing fee in full
2 or file an application to proceed in forma pauperis. 28 U.S.C. § 1914(a). With this order, the Court
3 will provide an application, which Plaintiff should complete and return within thirty days. In the
4 alternative, Plaintiff may pay the filing fee in full.

5 Accordingly, it is HEREBY ORDERED that:

- 6 1. Plaintiff's petition, construed as a complaint in this action, is STRICKEN for lack of
7 signature;
- 8 2. The Clerk's Office shall send Plaintiff a civil rights complaint form and an
9 application to proceed in forma pauperis;
- 10 3. Within **thirty (30) days** from the date of service of this order, Plaintiff shall (1) file a
11 signed complaint and (2) either pay the filing fee in full or file an application to
12 proceed in forma pauperis; and
- 13 4. **The failure to comply with this order will result in dismissal of this action,**
14 **without prejudice.**

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16 IT IS SO ORDERED.

17 Dated: August 7, 2009

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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