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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

VICTOR SANCHEZ-CALLE,

1:09-cv-02095-SMS (PC)

Plaintiff,

ORDER TO SUBMIT APPLICATION  
TO PROCEED IN FORMA PAUPERIS  
OR PAY FILING FEE WITHIN 45 DAYS

v.

WAGNER,

Defendant.

\_\_\_\_\_ /

Plaintiff is a federal prisoner proceeding pro se in a civil rights action pursuant to Bivens vs. Six Unknown Agents, 403 U.S. 388 (1971). 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 forty-five (45) days of the date of service of this order, plaintiff shall submit the attached application to proceed in forma pauperis, completed and signed, or in the alternative, pay the \$350.00 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: December 10, 2009**

**/s/ Sandra M. Snyder**  
UNITED STATES MAGISTRATE JUDGE