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

DAVID E. WHITLEY,

1:10-cv-01499-MJS (PC)

Plaintiff,

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

vs.

DR. LOPEZ, et al.,

Defendants.

_____ /

Plaintiff is a state prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has not paid the \$350.00 filing fee, or submitted a correct application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

Accordingly, IT IS HEREBY ORDERED that:

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. **No requests for extension will be granted without a showing of good cause.**

Failure to comply with this order will result in dismissal of this action.

IT IS SO ORDERED.

Dated: August 24, 2010

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE