

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
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ERIC LAVELLE WILLIAMS,
Plaintiff,

CASE NO. 1:10-cv-2212-MJS

v.

ORDER TO SUBMIT APPLICATION TO
PROCEED IN FORMA PAUPERIS NOT
LATER THAN JANUARY 31, 2011

A. LANE,
Defendants.

_____ /

Plaintiff is a state prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. When this case was transferred to the Eastern District of California, it was wrongfully designated as a petition for writ of habeas corpus, which is subject to only a \$5.00 filing fee. Based on that designation, Plaintiff was granted in forma pauperis status notwithstanding the absence of an application. (ECF No. 9.)

However, Plaintiff's claims are actually brought pursuant to 42 U.S.C. § 1983. (ECF No. 1.) As such, this is a prisoner civil rights action subject to a \$ 350.00 filing fee. To proceed with this action, Plaintiff is required to either pay that fee or submit the appropriate application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

Accordingly, IT IS HEREBY ORDERED that:

Not later than **January 31, 2011**, 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. Within sixty (60) days of the date of service of this order, plaintiff shall submit

1 a certified copy of his/her prison trust statement for the six month period immediately
2 preceding the filing of the complaint.

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

4

5

6 IT IS SO ORDERED.

7 Dated: January 6, 2011

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28