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

LENOARD TALLEY,  
Plaintiff,  
v.  
P. MENDOZA, et al.,  
Defendants.

1:11-cv-00277-GBC (PC)

ORDER DISCHARGING ORDER TO SHOW  
CAUSE AND GRANTING PLAINTIFF FINAL  
OPPORTUNITY TO FILE APPLICATION  
TO PROCEED *IN FORMA PAUPERIS*  
OR PAY FILING FEE

(Docs. 11 & 12)

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Plaintiff is a prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On February 10, 2011, Plaintiff filed this action, and on February 25, 2011, Plaintiff consented to Magistrate Judge jurisdiction. Docs. 1 & 6. Plaintiff's complaint has not yet been screened by this court.

Plaintiff has not paid the \$350.00 filing fee. It appears that he attempted to submit an application to proceed *in forma pauperis*, but it is incomplete. Doc. 1 Ex. 1 at 12 & 17. The form did not “authorize the agency having custody of [Plaintiff] to collect from [his] trust account and forward to the Clerk of the United States District Court payments in accordance with 28 U.S.C. § 1915(b)(2)” or similar language.

On May 23, 2011, the court ordered Plaintiff to submit an application to proceed *in forma pauperis* or pay the filing fee within forty-five days. Doc. 9. Plaintiff filed his prisoner trust fund

1 account statement, but did not file an application to proceed in forma pauperis. Doc. 10. On August  
2 9, 2011, the court again ordered Plaintiff to submit an application for *in forma pauperis* or pay the  
3 filing fee. Doc. 11. On October 11, 2011, the court issued an order to show cause why action should  
4 not be dismissed for failure to obey court order. Doc. 12.

5 On October 24, 2011, Plaintiff submitted a response but still failed to submit an application  
6 to proceed *in forma pauperis* or pay the filing fee. The court will provide Plaintiff with one final  
7 opportunity to comply with the court's order.

8 Accordingly, it is HEREBY ORDERED:

- 9 1. The order to show cause dated October 21, 2011 is discharged.
- 10 2. The clerk of the court is directed to send Plaintiff an *in forma pauperis* application  
11 with service of this order.
- 12 3. Within **thirty (30) days** of the date of service of this order, Plaintiff shall submit the  
13 attached application to proceed *in forma pauperis*, completed and signed, or in the  
14 alternative, pay the \$350.00 filing fee for this action. **No requests for extension will**  
15 **be granted without a showing of good cause.**

16  
17 **PLAINTIFF IS HEREBY ON NOTICE THAT FAILURE TO COMPLY WITH THIS**  
18 **ORDER WILL RESULT IN DISMISSAL OF THIS ACTION.**

19  
20 IT IS SO ORDERED.

21 Dated: November 7, 2011

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23 UNITED STATES MAGISTRATE JUDGE

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