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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

10 LEE WENDELL RIELS,

Case No. 1:12-cv-01314-LJO-DLB PC

11 Plaintiff,

**ORDER REQUIRING PLAINTIFF TO  
FILE APPLICATION TO PROCEED IN  
FORMA PAUPERIS OR PAY FILING FEE**

12 v.

13 KATHLEEN ALLISON, et al.,

RESPONSE DUE WITHIN THIRTY DAYS

14 Defendants.

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16 Plaintiff Lee Wendell Riels (“Plaintiff”) is a prisoner in the custody of the California  
17 Department of Corrections and Rehabilitation. Plaintiff is proceeding pro se in this civil action  
18 pursuant to 42 U.S.C. § 1983. On October 17, 2012, the Court ordered Plaintiff to show cause why  
19 this action should not be dismissed for Plaintiff’s failure to either file an in forma pauperis  
20 application or pay the filing fee. ECF No.11. On November 8, 2012, Plaintiff filed a response,  
21 indicating that he had submitted his application to proceed in forma pauperis. However, Plaintiff is  
22 incorrect. The Court has received Plaintiff’s prisoner trust account statement, but has yet to receive  
23 an application to proceed in forma pauperis. Accordingly, it is HEREBY ORDERED that:

24 1. Plaintiff is granted thirty (30) days from the date of service of this order by which to  
25 either file a) a completed application to proceed in forma pauperis or b) payment of the  
26 \$350.00 filing fee in full;

27 2. No further extensions of time will be granted regarding this issue;

28 3. The Clerk of the Court is directed to send Plaintiff an application to proceed in forma

1 pauperis; and

2 4. Failure to timely respond will result in dismissal of this action, without prejudice.

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5 IT IS SO ORDERED.

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7 Dated: January 8, 2013

8 /s/ Dennis L. Beck  
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10 UNITED STATES MAGISTRATE JUDGE

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