

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

LEE WENDELL RIELS,

Plaintiff,

v.

KATHLEEN ALLISON, et al.,

Defendants.

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

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

**RESPONSE DUE WITHIN THIRTY DAYS**

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

1. Plaintiff is granted thirty (30) days from the date of service of this order by which to either file a) a completed application to proceed in forma pauperis or b) payment of the \$350.00 filing fee in full;
2. No further extensions of time will be granted regarding this issue;
3. The Clerk of the Court is directed to send Plaintiff an application to proceed in forma

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pauperis; and

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

IT IS SO ORDERED.

Dated: January 8, 2013

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE