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

ROBERTO HERRERA,
Plaintiff,
vs.
H. NGUYEN,
Defendants.

1:12-cv-1915 GSA (PC)
ORDER TO SUBMIT NEW APPLICATION
TO PROCEED IN FORMA PAUPERIS
OR PAY FILING FEE WITHIN 45 DAYS

Plaintiff is a state prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. On November 26, 2012, plaintiff filed the Complaint commencing this action, together with an application to proceed in forma pauperis and a certified copy of his trust account statement, pursuant to 28 U.S.C. § 1915. However, plaintiff’s application to proceed in forma pauperis was not submitted on the form preferred by this court. Plaintiff shall be allowed time to submit the application on the appropriate form.

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. **Plaintiff is not required to submit another copy of his trust account statement.**

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

IT IS SO ORDERED.

Dated: November 30, 2012

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE