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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

HOWARD ALLEN YOUNG,
Plaintiff,
v.
M. D. BITER, et al.,
Defendants.

1:14-cv-01942-BAM (PC)

ORDER TO SUBMIT CORRECT
APPLICATION TO PROCEED IN FORMA
PAUPERIS OR PAY FILING FEE WITHIN 45
DAYS

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 on December 5, 2014. Plaintiff neither paid the \$400.00 filing fee nor filed an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Accordingly, on December 8, 2014, the Court directed Plaintiff to either pay the \$400.00 filing fee in full or file the provided application to proceed in forma pauperis within forty-five (45) days from the date of service. (ECF No. 5.)

On January 16, 2015, the Court granted Plaintiff’s request for a thirty-day extension of time to submit his application to proceed in forma pauperis. (ECF No. 10.) On the same date, Plaintiff filed a motion to proceed in forma pauperis, along with his trust account statement. (ECF No. 9.) The application was not on the appropriate form to authorize withdrawals from Plaintiff’s trust account.

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Accordingly, IT IS HEREBY ORDERED that:

1. Within forty-five (45) days from the date of service of this order, Plaintiff shall file the attached application to proceed in forma pauperis, completed and signed, or in the alternative, pay the \$400.00 filing fee for this action. Plaintiff does not need to submit another copy of his prisoner trust account statement;

2. No extension of time will be granted without a showing of good cause; and

3. The failure to comply with this order will result in dismissal of this action without prejudice.

IT IS SO ORDERED.

Dated: January 21, 2015

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE