

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WALTER D. CEASAR,
Plaintiff,
vs.
E. AGUIRRE,
Defendant.

1:15-cv-00873-GSA-PC

ORDER RE PLAINTIFF’S RESPONSE
TO ORDER
(ECF No. 7.)

ORDER REQUIRING PLAINTIFF TO
SUBMIT IFP APPLICATION OR PAY
FILING FEE IN FULL, PURSUANT TO
ORDER OF JUNE 10, 2015
(ECF No. 4.)

Walter D. Ceasar (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on May 12, 2014, together with a certified copy of his prison trust account statement. (ECF Nos. 1, 2.)

On June 10, 2015, the court issued an order requiring Plaintiff to submit an application to proceed in forma pauperis or pay the \$400.00 filing fee in full for this action, within 45 days. (ECF No. 4.) On June 19, 2015, Plaintiff filed a response to the order. (ECF No. 7.) Plaintiff informs the court that “[i]n plaintiff (*sic*) original filing he filed his certified copy of his trust account statement along with his in forma pauperis[,] [s]o the court should have received not

1 only plaintiff[‘s] 42 U.S.C. §1983, but plaintiff[‘s] in forma pauperis as well as plaintiff[‘s]
2 certified copy of his trust account statement.” (ECF No. 7.)

3 The court received Plaintiff’s certified copy of his prison trust account statement, filed
4 by Plaintiff on May 19, 2015. (ECF No. 2.) However, there is no evidence on the court record
5 that Plaintiff submitted an application to proceed in forma pauperis. Therefore, Plaintiff is
6 required to complete and submit the application that was mailed to him with the court’s order
7 of June 10, 2015, within the 45-day deadline established by that order. In the alternative, Plaintiff
8 may pay the \$400.00 filing fee in full for this action, within the 45-day deadline.

9 Accordingly, IT IS HEREBY ORDERED that:

10 1. Plaintiff is required to comply with the court’s order of June 10, 2015, which
11 required him to submit an application to proceed in forma pauperis, or pay the \$400.00 filing
12 fee in full for this action, within 45 days; and

13 2. Plaintiff’s failure to comply with this order shall result in the dismissal of this
14 action.

15 IT IS SO ORDERED.

16 Dated: June 22, 2015

17 /s/ Gary S. Austin
18 UNITED STATES MAGISTRATE JUDGE