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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BRIAN APPLGATE,
Plaintiff,
v.
KAMBREA SMITH, et al.,
Defendants.

1:15-cv-00972-SKO (PC)

ORDER TO FILE IN FORMA PAUPERIS
APPLICATION ON FORM PROVIDED
WITH ORDER OR PAY FILING FEE IN
FULL

(Doc. 2)

FORTY-FIVE DAY DEADLINE

Plaintiff Brian Applegate, a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 on June 26, 2015. Plaintiff filed an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915, but the form he used is intended for habeas petitions and does not include this court’s requisite language acknowledging the fee will be deducted in increments from his trust account if funds are available. Therefore, Plaintiff shall sign and file the application form provided with this order. Plaintiff does not need to have the trust account officer complete the certification or submit a trust account statement. The application form he filed on June 26, 2015, is sufficient with respect to those requirements.

Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk’s Office shall send Plaintiff the form for application to proceed in forma pauperis used by this court;

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2. Within **forty-five (45) days** from the date of service of this order, Plaintiff shall sign and file the application to proceed in forma pauperis or, in the alternative, pay the \$400.00 filing fee in full; and

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

IT IS SO ORDERED.

Dated: June 29, 2015

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE