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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 BRETT LEE WILLIAMS,

12 Plaintiff,

13 v.

14 T.E. HILL, et al.,

15 Defendants.  
16  
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Case No. 1:16-cv-00540-LJO-EPG (PC)  
Appellate Case No. 17-16261

ORDER FOR PLAINTIFF TO SUBMIT  
AFFIDAVIT PURSUANT TO RULE 4  
OF THE FEDERAL RULES OF  
APPELLATE PROCEDURE  
(ECF No. 16)

TWENTY-ONE DAY DEADLINE

19 Brett Lee Williams (“Plaintiff”) is a state prisoner proceeding *pro se* with this civil  
20 rights action pursuant to 42 U.S.C. § 1983. On April 18, 2016, Plaintiff paid the \$400.00 filing  
21 fee for this action. On April 26, 2017, Plaintiff’s First Amended Complaint was dismissed,  
22 with leave to amend. (ECF No. 10). On June 16, 2017, Plaintiff filed a notice of appeal to the  
23 Ninth Circuit Court of Appeals. (ECF No. 15). The appeal was given the case number 17-  
24 16261. (ECF No. 18). On June 16, 2017, Plaintiff also filed an application to proceed in forma  
25 pauperis on appeal, along with a certified copy of his prison trust account statement showing  
26 activity from December 8, 2016, to June 8, 2017. (ECF No. 16).

27 Pursuant to Rule 24(a)(1) of the Federal Rules of Appellate Procedure, “a party to a  
28 district-court action who desires to appeal in forma pauperis must file a motion in the district

1 court. The party must attach an affidavit that: (A) shows in the detail prescribed by Form 4 of  
2 the Appendix of Forms the party's inability to pay or to give security for fees and costs; (B)  
3 claims an entitlement to redress; and (C) states the issues that the party intends to present on  
4 appeal." Fed. R. App. P. 24(a)(1).

5 While Plaintiff did not file a completed Form 4 of the Appendix of Forms, the Court  
6 finds that the application to proceed in forma pauperis that Plaintiff submitted satisfies Federal  
7 Rule of Civil Procedure 24(a)(1)(A). However, Plaintiff has not submitted an affidavit<sup>1</sup> that  
8 claims he is entitled to redress or that states the issues that Plaintiff intends to present on  
9 appeal.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. Within twenty-one days from the date of service of this order, Plaintiff must  
12 submit an affidavit that claims an entitlement to redress and that states the issues  
13 that Plaintiff intends to present on appeal;
- 14 2. The Clerk of Court is directed to serve a copy of this order on the Ninth Circuit  
15 Court of Appeals; and
- 16 3. If Plaintiff fails to comply with this order, the Court will deny his application to  
17 proceed in forma pauperis on appeal.

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19 IT IS SO ORDERED.

20 Dated: June 20, 2017

21 /s/ Eric P. Grogan  
22 UNITED STATES MAGISTRATE JUDGE

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28 <sup>1</sup> A properly prepared declaration is admissible in federal court with the same effect as an  
affidavit. 28 U.S.C. § 1746.