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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

HERBERT JOHNSON,
Plaintiff,
v.
UNNAMED DEFENDANTS,
Defendants.

1:16-cv-00708-DAD-MJS (PC)

**SECOND ORDER TO SUBMIT
APPLICATION TO PROCEED IN FORMA
PAUPERIS OR PAY FILING FEE**

On July 22, 2016, Plaintiff was ordered to file a completed in forma pauperis affidavit. He was cautioned that failure to do so could result in a recommendation that his action be dismissed. The time allowed for that filing has now expired without Plaintiff having responded to the court's order or having filed the document as ordered.

The Court is aware that Plaintiff previously filed two motions to proceed in forma pauperis in this case. See ECF Nos. 3, 8. He was advised that both were lacking insofar as neither included necessary language authorizing the agency having custody of Plaintiff to collect funds from his trust account and forward them to the Clerk of the United States District Court in accordance with 28 U.S.C. §1915(b)(2). It appears he has since submitted the trust account statement. ECF No. 20.

However, this case cannot proceed in this Court (to which it has been transferred) without a new motion to proceed in forma pauperis accompanied by

1 **the specified language directing transmittal of trust funds to this Clerk in this**
2 **Court.**

3 Accordingly, IT IS ORDERED that within 21 days of the date of this Order Plaintiff
4 shall submit a new application to proceed in forma pauperis, completed and signed, or in
5 the alternative, pay the \$400.00 filing fee for this action. A failure to do so will result in a
6 recommendation that the case be dismissed.

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8 IT IS SO ORDERED.

9 Dated: September 22, 2016

1st Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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