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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SHANNON WILLIAMS,
Plaintiff,
v.
OFFICER BAKER,
Defendant.

1:16-cv-01540-MJS (PC)

ORDER TO SUBMIT APPLICATION
TO PROCEED IN FORMA PAUPERIS
OR PAY FILING FEE WITHIN 14 DAYS

Plaintiff is a federal prisoner proceeding pro se in a civil rights action pursuant to Bivens vs. Six Unknown Agents, 403 U.S. 388 (1971). On October 24, 2016, the Court ordered Plaintiff to submit within 45 days an application to proceed in forma pauperis or the \$400 filing fee. (ECF No. 3.) Plaintiff was sent a form application to proceed in forma pauperis by a prisoner. The 45 day deadline passed without Plaintiff either filing an application to proceed in forma pauperis, paying the applicable filing fee, or seeking an extension of time to do so.

Accordingly, on December 20, 2016, the Court ordered Plaintiff to show cause why the action should not be dismissed. (ECF No. 4.) However the Court there mistakenly directed Plaintiff to submit an application for a **non-prisoner** to proceed in forma pauperis. Not surprisingly, Plaintiff responded by submitting that form for a non-prisoner to proceed in forma pauperis. (ECF No. 5.)

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Notwithstanding the Court's error and Plaintiff's reasonable reliance upon it, the case cannot proceed without Plaintiff having paid the \$400.00 filing fee or submitting an application for a **prisoner to proceed in forma pauperis** on the appropriate form pursuant to 28 U.S.C. § 1915.

Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk's Office shall send to plaintiff the form for application to proceed in forma pauperis by a prisoner.
2. Within fourteen (14) days of the date of service of this order, plaintiff shall submit the attached application to proceed in forma pauperis by a prisoner, completed and signed, or in the alternative, pay the \$400.00 filing fee for this action.
3. **Failure to comply with this order will result in dismissal of this action.**

IT IS SO ORDERED.

Dated: January 5, 2017

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE