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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DONALD LEE WILLIAMS,
Plaintiff,
v.
C. PFIEFFER, et al.,
Defendants.

Case No. 1:17-cv-00549-EPG (PC)

ORDER DENYING PLAINTIFF’S MOTION
FOR ORDER FOR DEFENDANTS TO SHOW
CAUSE WHY PLAINTIFF’S
APPLICATION(S) SUBMITTED TO
PROCEED IN FORMA PAUPERIS WERE
NOT MAILED TO THE COURT

(ECF NO. 10)

ORDER DIRECTING CLERK TO SEND
PLAINTIFF AN APPLICATION TO
PROCEED IN FORMA PAUPERIS

THIRTY DAY DEADLINE

Donald Williams (“Plaintiff”) is a state prisoner proceeding *pro se* with this civil rights action filed pursuant to 42 U.S.C. § 1983. On June 26, 2017, Plaintiff filed a motion for an order for the defendants to show cause why Plaintiff’s application(s) submitted to proceed in forma pauperis were not mailed to the Court (“the Motion”). (ECF No. 10).

According to Plaintiff, on April 27, 2017, he submitted an application to proceed in forma pauperis to the Salinas Valley State Prison (“SVSP”) Trust Office, for the purpose of obtaining a certified copy of Plaintiff’s prison trust account statement. Plaintiff included instructions for the application to be mailed to the Court after the trust account statement was attached. Plaintiff did not hear back (even after asking the Trust Office to confirm that the in forma pauperis application was received and mailed to the Court), so Plaintiff submitted another application to proceed in forma pauperis to the Trust Office on May 16, 2017. Plaintiff once again did not receive a

1 response. Accordingly, Plaintiff asks that “[t]he defendants or SVSP Trust [O]ffice personnel or
2 Plaintiff’s assigned counselor C. Ramos... be ordered by the Court... to show cause why
3 Plaintiff’s application[s] submitted to the SVSP Trust Office personnel to proceed in forma
4 pauperis were not mailed to the Court.”

5 The Court will not grant Plaintiff’s request at this time. The individual defendants in this
6 case do not appear to be the ones with Plaintiff’s papers. Moreover, Plaintiff should complete an
7 in forma pauperis application and submit it directly to the Court. If he is unable to get a copy of
8 his trust account statement, he may file evidence (in the form a declaration) explaining why he is
9 unable to get it.¹

10 Accordingly, based on the foregoing, IT IS HEREBY ORDERED that:

- 11 1. The Motion is DENIED;
- 12 2. The Clerk of Court is directed to send Plaintiff an application to proceed in forma
13 pauperis;
- 14 3. Plaintiff has thirty days from the date of service of this order to complete and
15 return the attached application to proceed in forma pauperis. If Plaintiff is unable
16 to get a copy of his prison trust account statement, he may file evidence (in the
17 form a declaration) explaining why he is unable to get it;
- 18 4. The Clerk’s Office shall serve a copy of this order on Deputy Attorney General
19 Monica Anderson at the Attorney General’s Office; and
- 20 5. Failure to comply with this order will result in dismissal of this action.

21 IT IS SO ORDERED.

22
23 Dated: June 29, 2017

23 /s/ Eric P. Gray
24 UNITED STATES MAGISTRATE JUDGE

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27 ¹ The Court will, however, copy the Attorney General’s office on this order in the hope that attorneys there
28 may help facilitate getting the necessary paperwork regarding Plaintiff’s trust account statement to the Court.