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6 **UNITED STATES DISTRICT COURT**
7 **EASTERN DISTRICT OF CALIFORNIA**

8
9 RICARDO VILLALOBOS, JR.,
10 Plaintiff,
11 v.
12 MARIA FAULKNER, et al.,
13 Defendants.
14

1:17-cv-01109-SKO-(PC)

**ORDER TO SUBMIT APPLICATION
TO PROCEED *IN FORMA PAUPERIS*
OR PAY FILING FEE OR VOLUNTARY
DISMISSAL WITHIN 45 DAYS**

(Docs. 11, 12)

15 Plaintiff is a state prisoner proceeding *pro se* in a civil rights action pursuant to 42 U.S.C.
16 § 1983, which he initially filed in the United States District Court in the Northern District of
17 California. (Doc. 1.) This action was opened when the Northern District Court severed a number
18 of Plaintiff's claims and defendants and had them transferred to this Court. (Docs. 4, 5.) Though
19 Plaintiff submitted an application to proceed *in forma pauperis* with the original action to the
20 Northern District Court, he has not done so here; nor has Plaintiff paid the \$400.00 filing fee.
21 Thus, on August 17, 2017, Plaintiff was ordered to submit either an application to proceed *in*
22 *forma pauperis*, pay the filing fee in full, or file a notice of voluntary dismissal. (Doc. 7.)

23 On October 6, 2017, Plaintiff filed a motion requesting an extension of time to file a
24 motion to proceed *in forma pauperis* as well as a motion requesting leave to file motions without
25 having access to the full case number of this action. (Docs. 11, 12.) In his motions, Plaintiff
26 explains that, since the August 17, 2017 order issued, he has twice been transferred and currently
27 does not have access to any of his legal paperwork. Further, though Plaintiff has repeatedly
28 requested certified copies of his inmate trust account statement, because of his transfers, he has

1 yet to receive it to submit to the Court. The Court understands the predicament Plaintiff is in and
2 that he has been unable to comply with the August 17, 2017 order through no fault of his own.
3 This equates to good cause to grant Plaintiff an extension of time.

4 Accordingly, **IT IS HEREBY ORDERED** that:

5 1. The Clerk of the Court is directed to forward Plaintiff the form to apply to proceed
6 *in forma pauperis* in this action; and

7 2. Plaintiff is granted a **forty-five day** extension of time from the date of service of
8 this order in which Plaintiff shall:

9 a. submit the attached application to proceed *in forma pauperis*, completed and
10 signed;¹ or

11 b. pay the \$400.00 filing fee for this action; or

12 c. submit a notice of voluntary dismissal under Rule 41(a)(1)(A)(i) of the Federal
13 Rules of Civil Procedure.

14 **No requests for extension will be granted without a showing of good cause. Failure to**
15 **comply with this order will result in dismissal of this action.**

16 IT IS SO ORDERED.

17 Dated: October 11, 2017

18 /s/ *Theila K. Oberto*
19 UNITED STATES MAGISTRATE JUDGE

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27 ¹ The California Department of Corrections and Rehabilitation will submit a certified copy of his inmate trust account
28 statement for the last six months after Plaintiff files the application to proceed *in forma pauperis*. Thus, Plaintiff
need not await receipt of a copy of his trust account statement before he submits the *in forma pauperis* application.