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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**

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. Further, since this action was transferred here
21 and opened without Plaintiff's involvement, it is unknown whether Plaintiff desires to even
22 pursue this action at this time. Plaintiff has not paid the \$400.00 filing fee, or submitted an
23 application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 in this action.

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

25 **Within forty-five (45) days** of the date of service of this order, Plaintiff shall:

26 1. submit the attached application to proceed *in forma pauperis*, completed and
27 signed; or
28 2. pay the \$400.00 filing fee for this action; or

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

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

IT IS SO ORDERED.

Dated: August 17, 2017

[Signature] Sheila K. Oberto

UNITED STATES MAGISTRATE JUDGE