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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CARLOS ROMERO BURNETT,
Plaintiff,
v.
KAMMACK, et al.,
Defendants.

Case No.: 1:17-cv-01135-BAM (PC)
ORDER DENYING IN FORMA PAUPERIS
APPLICATION WITHOUT PREJUDICE
(ECF No. 5)
ORDER TO SUBMIT PRISONER
APPLICATION TO PROCEED IN FORMA
PAUPERIS OR PAY FILING FEE WITHIN
FORTY-FIVE (45) DAYS

Plaintiff Carlos Romero Burnett (“Plaintiff”) is a state prisoner proceeding pro se in this civil action pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action on August 23, 2017, together with a motion requesting leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. (ECF Nos. 1, 2.)

On August 29, 2017, the Court issued an order denying Plaintiff’s application to proceed in forma pauperis because it was incomplete. There was no certified copy of Plaintiff’s trust account statement for the past six months attached to the application as the instructions require, nor was the certificate portion of the form dated, signed, or filled-out by an authorized officer of the correctional institution. The Court ordered Plaintiff to submit a new application within forty-five days. (ECF No. 3.)

1 On September 21, 2017, Plaintiff submitted a renewed motion to proceed in forma
2 pauperis. (ECF No. 5.) While the certificate portion of the form is completed, Plaintiff has not
3 attached a certified copy of his trust account statement for the past six months, as the instructions
4 require.

5 Accordingly, IT IS HEREBY ORDERED as follows:

6 1. Plaintiff's motion to proceed in forma pauperis (ECF No. 5) is DENIED, without
7 prejudice;

8 2. The Clerk of the Court is directed to serve this order and a blank IFP application
9 for a prisoner on Plaintiff;

10 3. Within **forty-five (45) days** from the date of service of this order, Plaintiff shall
11 file the attached application to proceed in forma pauperis, completed and signed, and a certified
12 copy of his trust account statement for the past six months, or in the alternative, pay the \$400.00
13 filing fee for this action;

14 4. No extension of time will be granted without a showing of good cause; and

15 5. **Plaintiff is warned that the failure to comply with this order will result in**
16 **dismissal of this action, without prejudice.**

17
18 IT IS SO ORDERED.

19 Dated: September 22, 2017

/s/ Barbara A. McAuliffe
20 UNITED STATES MAGISTRATE JUDGE