

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DAVID J. DEL RIO,

Plaintiff,

v.

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF RIVERSIDE, et al.,

Defendants.

Case No. 1:20-cv-01186-NONE-EPG

SECOND ORDER REQUIRING  
PLAINTIFF TO SUBMIT APPLICATION  
TO PROCEED IN FORMA PAUPERIS  
OR PAY FILING FEE

FORTY-FIVE (45) DAY DEADLINE

Plaintiff, David J. Del Rio, is proceeding *pro se* in this civil rights action. (See ECF No. 1.) Because Plaintiff has neither paid the \$400.00 filing fee nor submitted an application to proceed *in forma pauperis* ("IFP") pursuant to 28 U.S.C. § 1915, on August 25, 2020, the court entered an order requiring Plaintiff to either file an IFP application or pay the filing fee. (ECF No. 2.)

On September 10, 2020, Plaintiff filed a document that appears to be a copy of his inmate transaction list from his institution of confinement. (ECF No. 3.) This inmate transaction list, which is not certified, shows an inmate withdrawal made on August 12, 2020, in the amount of \$400, with the notation "EASTERN DIST." However, Plaintiff's complaint initiating this action was not received by the court until August 21, 2020. (ECF No. 1.) The court did not receive with the complaint and has not subsequently received, from Plaintiff or from his institution of confinement on behalf of Plaintiff, payment for the filing fee. Nor has the Court receive an IFP application from Plaintiff.

1 To the extent Plaintiff sent funds to the court prior to the court's receipt of the complaint,  
2 the court would have returned those funds to Plaintiff, and Plaintiff should follow up with his  
3 institution of confinement to determine the status of such funds.

4 IT IS ORDERED that:

- 5 1. The Clerk of the Court is respectfully directed to send Plaintiff an application to  
6 proceed *in forma pauperis* by a prisoner.
- 7 2. Within **forty-five (45) days** of the date of service of this order, Plaintiff shall submit  
8 the attached application to proceed *in forma pauperis*, completed and signed, or, in the  
9 alternative, pay the \$400.00 filing fee for this action. **No requests for extension will**  
10 **be granted without a showing of good cause. Failure to comply with this order**  
11 **will result in dismissal of this action.**

12 IT IS SO ORDERED.

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14 Dated: **September 14, 2020**

15 /s/ Eric P. Grogan  
16 UNITED STATES MAGISTRATE JUDGE  
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