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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GERALD SPENCE,

Plaintiff,

No. CIV S-06-0278 DFL DAD P

vs.

LIEUTENANT D. DAVEY, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se, has filed a civil complaint seeking relief under 42 U.S.C. § 1983. Plaintiff has not paid the required filing fee or submitted an application to proceed in forma pauperis. See 28 U.S.C. §§ 1914(a) & 1915(a). Plaintiff will be granted thirty days to pay the filing fee in full or submit a properly completed in forma pauperis application.

In accordance with the above, IT IS HEREBY ORDERED that:

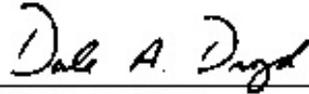
1. Plaintiff shall submit, within thirty days from the date of this order, the \$250.00 filing fee or an application to proceed in forma pauperis on the form provided with this order; plaintiff's failure to comply with this order will result in a recommendation that the district judge dismiss this action without prejudice; and

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2. The Clerk of the Court is directed to send plaintiff an Application to Proceed
In Forma Pauperis By a Prisoner for use in an action brought under 42 U.S.C. § 1983.

DATED: February 17, 2006.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

DAD:13:bb
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