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

JAMES E. SMITH,

Plaintiff,

No. CIV S-06-0789 LKK DAD P

vs.

GARY ALLHISER, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has not paid the required filing fee of \$350.00 or filed an application to proceed in forma pauperis. See 28 U.S.C. §§ 1914(a) & 1915(a). Plaintiff will be granted thirty days to submit the filing fee or a properly completed application to proceed in forma pauperis.

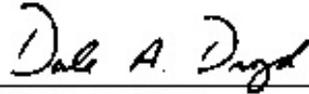
In accordance with the above, IT IS HEREBY ORDERED that:

1. Plaintiff shall submit, within thirty days from the date of this order, full payment of the filing fee or a properly completed application to proceed in forma pauperis on the form provided by the Clerk of the Court; plaintiff's failure to comply with this order in a timely manner, or to request an extension of time to do so, may result in a recommendation that this action be dismissed for lack of prosecution; and

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2. The Clerk of the Court is directed to send plaintiff a new Application to Proceed In Forma Pauperis By a Prisoner for use in a civil rights action.

DATED: April 20, 2006.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

DAD:13:bb
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