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

JAMES L. PORTER,

Plaintiff,

No. CIV S-07-1139 LKK DAD P

vs.

UNKNOWN,

Defendant.

ORDER

_____/

Plaintiff, a state prisoner at Mule Creek State Prison, has filed with the court what appears to be a copy of a letter he sent to Kathleen Eddy, Senior Counsel, with the Office of Administrative Law, about the California Department of Corrections and Rehabilitation beard regulations. No other documents or pleadings have been filed by the plaintiff.

In order to commence an action, plaintiff must file a complaint as required by Rule 3 of the Federal Rules of Civil Procedure,¹ and plaintiff must either pay the required filing fee or file an application requesting leave to proceed in forma pauperis.² See 28 U.S.C. §§ 1914(a), 1915(a). The court will not issue any orders granting or denying relief until an action

¹ Plaintiff is advised that a defendant must be identified in the caption of his pleading and must be named, with position and place of employment, in the section of the complaint form designated for that purpose.

² If leave to file in forma pauperis is granted, plaintiff will still be required to pay the filing fee but will be allowed to pay it in installments.

1 has been properly commenced. Plaintiff will be provided the opportunity to file his complaint,
2 and to submit an application requesting leave to proceed in forma pauperis or to submit the
3 appropriate filing fee.

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

5 1. Plaintiff is granted thirty days from the date of service of this order to file a
6 complaint that complies with the requirements of the Civil Rights Act, the Federal Rules of Civil
7 Procedure, and the Local Rules of Practice; the complaint must bear the docket number assigned
8 to this case. Plaintiff shall also submit, within thirty days from the date of this order, the
9 application to proceed in forma pauperis on the form provided by the Clerk of Court, or the filing
10 fee in the amount of \$350.00. Plaintiff's failure to comply with this order will result in a
11 recommendation that this matter be dismissed; and

12 2. The Clerk of the Court is directed to send plaintiff the court's form for filing a
13 civil rights action and the application to proceed in forma pauperis by a prisoner.

14 DATED: June 22, 2007.

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17 _____
DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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