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

ROBERTO SOCORRO,

Plaintiff,

No. CIV S 07-1313 LKK GGH P

vs.

STATE OF CALIFORNIA, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983 together with a request for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915, and a motion for temporary restraining order (TRO) and/or preliminary injunctive relief. However, the certificate portion of the in forma pauperis request which must be completed by plaintiff's institution of incarceration has not been filled out. Also, plaintiff has not filed a certified copy of his prison trust account statement for the six month period immediately preceding the filing of the complaint. See 28 U.S.C. § 1915(a)(2). Finally, as to plaintiff's motion "for emergency TRO and preliminary injunction," wherein he claims to be subject to an impending adverse transfer, plaintiff has failed to include any adequate declaration or affidavit in support of his motion, merely asserting his belief, in a conclusory fashion, that he is subject to a retaliatory transfer for filing 602 appeals and ADA appeals.

1 The motion presented provides an inadequate basis for the court to recommend
2 whether or not a TRO or a preliminary injunction should issue. The information provided by
3 plaintiff is too speculative for the court to determine whether or not irreparable harm might result
4 from a transfer, nor does it allow the court to weigh the balance of hardships. Plaintiff's request
5 will be vacated without prejudice to plaintiff's filing an adequately supported motion for a TRO
6 or for preliminary injunctive relief. In addition, plaintiff will be provided the opportunity to
7 submit a completed in forma pauperis application and a certified copy in support of his
8 application.

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

10 1. Plaintiff's July 3, 2007, motion for an emergency TRO and preliminary
11 injunction is vacated without prejudice to plaintiff's filing an adequately supported motion;

12 2. Plaintiff shall submit, within thirty days from the date of this order, a
13 completed affidavit in support of his request to proceed in forma pauperis on the form provided
14 by the Clerk of Court;

15 3. The Clerk of the Court is directed to send plaintiff a new Application to
16 Proceed In Forma Pauperis By a Prisoner; and

17 4. Plaintiff shall submit, within thirty days from the date of this order, a certified
18 copy of his prison trust account statement for the six month period immediately preceding the
19 filing of the complaint. Plaintiff's failure to comply with this order will result in a
20 recommendation that this action be dismissed without prejudice.

21 DATED: 7/12/07

/s/ Gregory G. Hollows

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GREGORY G. HOLLOWES
UNITED STATES MAGISTRATE JUDGE

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