

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

JONATHAN LEE RICHES,

Plaintiff,

No. CIV S-07-2654 LKK JFM P

vs.

SUE GRAFTON, et al.,

Defendants.

ORDER

\_\_\_\_\_/

Plaintiff, a federal prisoner proceeding pro se, has filed a civil action purportedly pursuant to 42 U.S.C. § 1983.<sup>1</sup> Plaintiff has not, however, filed an in forma pauperis affidavit or paid the required filing fee. See 28 U.S.C. §§ 1914(a), 1915(a). Plaintiff will be provided the opportunity either to submit the appropriate affidavit in support of a request to proceed in forma pauperis or to submit the appropriate filing fee.

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

1. Plaintiff shall submit, within thirty days from the date of this order, an affidavit in support of his request to proceed in forma pauperis on the form provided by the Clerk of

\_\_\_\_\_

<sup>1</sup> The defendants named in this action are the Omaha Westroads Mall, the Von Maur department store, and Robert A. Hawkins, none of whom are government entities or employees. This action is not, therefore, properly brought under 42 U.S.C. § 1983, which authorizes suit for violations of federal constitutional rights against individuals acting under color of state law

1 Court, or the appropriate filing fee; plaintiff's failure to comply with this order will result in the  
2 dismissal of this action; and

3 2. The Clerk of the Court is directed to send plaintiff a new Application to  
4 Proceed In Forma Pauperis By a Prisoner.

5 DATED: December 18, 2007.

6  
7   
8 UNITED STATES MAGISTRATE JUDGE

9 12  
10 rich2654.3a

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26