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

ALBERT ALVIN WILLIAMS,

Petitioner,

No. CIV S-07-2692 WBS DAD P

vs.

D.K. SISTO, et al.,

Respondent.

ORDER

_____ /

Petitioner, a state prisoner proceeding pro se, has filed an application to proceed in forma pauperis on appeal. The court file reflects that petitioner paid the filing fee for this action.

Rule 24(a) of the Federal Rules of Appellate Procedure provides that a party to a district court action who desires to appeal in forma pauperis must file a motion in the district court. The party must attach an affidavit that “shows in the detail prescribed by Form 4 of the Appendix of Forms the party’s inability to pay or to give security for fees and costs.” Form 4 of the Appendix of Forms also requires a prisoner to attach a certified prison trust account statement showing all receipts, expenditures and balances during the last six months.

Petitioner has not filed a proper application to proceed in forma pauperis. Nor has petitioner submitted a certified copy of his prison trust account statement for the past six months.

1 Because petitioner has not complied with all of the requirements of Fed. R. App. P. 24(a), his
2 motion to proceed in forma pauperis on appeal will be denied. The court will, however, grant
3 petitioner another opportunity to submit the appropriate affidavit in support of a request to
4 proceed in forma pauperis.

5 Good cause appearing, IT IS HEREBY ORDERED that:

6 1. Petitioner's January 4, 2010 motion to proceed in forma pauperis on appeal
7 (Doc. No. 29) is denied without prejudice;

8 2. Petitioner shall submit, within thirty days from the date of this order, an
9 affidavit in support of his request to proceed in forma pauperis on the form provided by the court.
10 Petitioner is cautioned that the application form must be accompanied by a certified copy of
11 petitioner's prison trust account statement for the six-month period immediately preceding this
12 order; and

13 3. The Clerk of the Court is directed to send petitioner a copy of the in forma
14 pauperis form used by this district.

15 DATED: January 11, 2010.

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18 _____
19 DALE A. DROZD
20 UNITED STATES MAGISTRATE JUDGE

18 DAD:9
19 will2692.ifp