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

ANTHONY R.G. TURNER,

Plaintiff,

No. CIV S-08-0681 FCD KJM P

vs.

ED G. PRIETO, et al.,

Defendants.

ORDER

_____/

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. On April 30, 2009, plaintiff was directed to submit an application to proceed in forma pauperis. Plaintiff has now filed a request for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. The plaintiff has submitted a certified copy of his trust account statement, but he has not submitted the certificate signed by an authorized officer that is required on the application form. See 28 U.S.C. § 1915(a)(2). Plaintiff will be provided a final opportunity to submit the completed application in support of his motion to proceed in forma pauperis.

Plaintiff has also filed a motion requesting an “order of intervention” to enjoin prison officials to complete the certification necessary for his IFP application. The plaintiff alleges that “prison trust account agents” have refused to certify his application. See Docket no.

1 21 at 2. However, he has successfully submitted a certified copy of his trust account statement, a
2 submission that is only possible with the cooperation of prison officials who have authority over
3 his trust account. There is no evidence of obstruction by prison officials. Therefore the motion
4 for an order of intervention and for sanctions will be denied.

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

6 1. Plaintiff shall submit, within thirty days from the date of this order, the
7 certification required on the application form. Plaintiff's failure to comply with this order will
8 result in a recommendation that this action be dismissed without prejudice.

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

11 3. The motion for an order of intervention and request for sanctions (docket no.
12 21) is denied.

13 DATED: July 14, 2009.

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U.S. MAGISTRATE JUDGE

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