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

WILLIAM TOWNSEND, JR.,

Plaintiff,

v.

C.S.P. SOLANO,

Defendant.

Case No. CIV 08-1177RJB

ORDER

This matter comes before the court on an application to proceed *in forma pauperis* (Dkt. 24) and a letter to the Clerk from plaintiff (Dkt. 25). The court has reviewed the documents and the remainder of the file herein.

On February 22, 2009, the court entered an order, dismissing plaintiff’s civil rights case without prejudice, pursuant to the screening provisions of 28 U.S.C. § 1915A. Dkt. 20. Judgment was entered on February 23, 2009. Dkt. 21.

On August 3, 2009, the Clerk received a letter from plaintiff, stating that the prison was not completing his trust account statement in a timely manner. Dkt. 22. Plaintiff stated that, because he could not receive a trust account statement, he was unable to complete an application to proceed in forma pauperis, which he needed in order to file a case against the prison. Dkt. 22. Plaintiff stated that “[i]t’s concerning case # CIV-09-1177RJB, denied without prejudice 2-23-09.” Dkt. 22.

On August 5, 2009, the court issued an order, informing plaintiff of the following:

This case--CIV 08-1177RJB--is closed. If plaintiff wishes to file a civil action against the prison, he must file a new case. If plaintiff is having difficulty obtaining his trust account statement, he may

1 wish to pursue the prison's grievance procedure. The court in this case, CIV 08-1177RJB, will  
2 take no action on plaintiff's letter.

3 Dkt. 23.

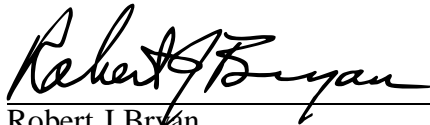
4 On August 25, 2009, plaintiff filed an application to proceed *in forma pauperis*, identifying the case  
5 number in this case (CIV 08-1177RJB) as the "Old #". Dkt. 24, at 1. In a letter accompanying the  
6 application to proceed *in forma pauperis*, plaintiff informed the court that he would mail copies of the  
7 complaint, exhibits, and a motion for appointment of counsel soon. Dkt. 25.

8 As plaintiff was previously informed by the court, CIV 08-1177RJB, is closed. This application to  
9 proceed *in forma pauperis* should be assigned a new case number and should proceed as a new case.

10 Accordingly, the Clerk is directed to process Dkts. 24 and 25 as a new case. The court in this case  
11 (CIV 08-1177RJB) will take no action on Dkts. 24 and 25.

12 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any  
13 party appearing *pro se* at said party's last known address.

14 DATED this 27th day of August, 2009.

15   
16 Robert J Bryan  
17 United States District Judge