

1  
2  
3  
4  
5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 WILLIAM JAMES,

11 Plaintiff,

No. CIV S-08-1812 EFB

12 vs.

13 SACRAMENTO COUNTY  
14 SHERIFF'S DEPARTMENT, et al.,

15 Defendants.

ORDER

16 Plaintiff, a prisoner without counsel, has filed a complaint alleging civil rights violations.  
17 See 42 U.S.C. § 1983. He has submitted an affidavit requesting leave to proceed *in forma*  
18 *pauperis* pursuant to 28 U.S.C. § 1915(a)(1).

19 Section 1915(a)(2) requires "a prisoner seeking to bring a civil action without  
20 prepayment of fees or security therefor, in addition to filing the affidavit filed under paragraph  
21 (1), shall submit a certified copy of the trust fund account statement (or institutional equivalent)  
22 for the prisoner for the 6-month period immediately preceding the filing of the complaint . . . ,  
23 obtained from the appropriate official of each prison at which the prisoner is or was confined."  
24 Plaintiff has not submitted a certified copy of his trust account statement or the institutional  
25 equivalent.

26 ///

1 He asserts that officers have refused to comply with the certification requirement. However, he  
2 has not submitted any evidence that he attempted to obtain the certification or identify the  
3 officers who refused to assist him in this regard. Therefore, the court cannot accept the *in forma*  
4 *pauperis* application in its current form.

5 Accordingly, plaintiff has 30 days from the date this order is served to submit the  
6 required trust account statement or institutional equivalent. The Clerk of the Court shall send to  
7 plaintiff the form application for leave to proceed *in forma pauperis* used in this court.

8 Plaintiff's failure to comply with this order may result in this action being dismissed.

9 So ordered.

10 Dated: January 28, 2009.

11   
12 EDMUND F. BRENNAN  
13 UNITED STATES MAGISTRATE JUDGE  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26