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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

MELVIN DISMUKE,

Plaintiff,

v.

OFFICER R. RODRIGUEZ, J.
COUGHLIN, S. PALOMARES, and
PALIMANO,

Defendants.

NO. CV-08-2444-EFS (PC)

**ORDER REQUIRING PLAINTIFF TO
SUBMIT SIGNED APPLICATION TO
PROCEED IN FORMA PAUPERIS
WITHIN 40 DAYS**

Before the Court is *pro se* state prisoner Plaintiff Melvin Dismuke's Application to Proceed In Forma Pauperis (Ct. Rec. 2), filed October 15, 2008, and supplemented on December 1, 2008 (Ct. Rec. 7). Plaintiff purportedly asserts that he is unable to pay the full \$350.00 filing fee or provide the necessary security. Plaintiff provided a copy of a certified prison trust account statement for the six-month period immediately preceding the filing of his complaint. Plaintiff's Application to Proceed In Forma Pauperis is deficient, however, because it is unsigned. See FED. R. CIV. P. 11(a) (requiring every pleading to be signed by either the attorney of record or the party personally if the party is unrepresented). The Court is unable to rule on the application until a signed application is received.

ORDER * 1

1 Accordingly, **IT IS HEREBY ORDERED:** Within forty (40) days of the
2 date of service of this Order, Plaintiff shall submit a signed and
3 completed Application to Proceed In Forma Pauperis. Plaintiff is warned
4 that failure to comply with this Order may result in dismissal of this
5 action.

6 **IT IS SO ORDERED.** The District Court Executive is directed to enter
7 this Order and forward a copy to Plaintiff, along with a copy of the
8 Application to Proceed in Forma Pauperis by a Prisoner.

9 **DATED** this 13th day of January 2009

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S/ Edward F. Shea

EDWARD F. SHEA

United States District Judge

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