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## Accordingly, IT IS HEREBY ORDERED that:

- 1. Plaintiff shall submit, within thirty days from the date of this order, either the \$350.00 filing fee or a properly completed application to proceed in forma pauperis on the form provided with this order; plaintiff is cautioned that failure to comply with this order or seek an extension of time to do so will result in a recommendation that this action be dismissed without prejudice; and
- 2. The Clerk of the Court is directed to send plaintiff an Application to Proceed In Forma Pauperis By a Prisoner for use in a civil rights action.

DATED: January 7, 2009.

Dale A. Dayal DALE A. DROZD

UNITED STATES MAGISTRATE JUDGE

DAD:md vand3120.3a