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

GERRELL LEE WHATLEY,

Plaintiff,

No. CIV S-09-0176 EFB P

vs.

FORGAUH, et al.,

Defendants.

ORDER

_____ /

Plaintiff is confined in a county jail and is proceeding without counsel in an action brought under 42 U.S.C. § 1983.

To proceed with a civil action a plaintiff must pay the \$350 filing fee required by 28 U.S.C. § 1914(a) or request leave to proceed *in forma pauperis* and submit the affidavit and trust account statement required by 28 U.S.C. § 1915(a). Plaintiff has submitted an incomplete application for leave to proceed in forma pauperis.

Section 1915(a)(2) requires “a prisoner seeking to bring a civil action without prepayment of fees or security therefor, in addition to filing the affidavit filed under paragraph (1), shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the *6-month period immediately preceding the filing of the complaint . . .*, obtained from the appropriate official of each prison at which the prisoner is or was confined.”

1 (emphasis added). Plaintiff has not submitted the required trust account statement or
2 institutional equivalent.

3 Accordingly, plaintiff has 30 days from the date of service of this order to submit either
4 the filing fee or a completed application required by § 1915(a), along with a trust account
5 statement. The Clerk of the Court is directed to mail to plaintiff a form application for leave to
6 proceed in forma pauperis. Failure to comply with this order will result in a recommendation
7 that this action be dismissed.

8 So ordered.

9 DATED: April 14, 2009.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE