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

DARONTA T. LEWIS,

Plaintiff,

No. CIV S-09-0195 DAD P

vs.

M. BROWN,

Defendant.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has not paid the required filing fee of \$350.00 or filed an application to proceed in forma pauperis. See 28 U.S.C. §§ 1914(a) & 1915(a). Plaintiff will be granted thirty days to pay the filing fee in full or submit a properly completed application to proceed in forma pauperis.

Plaintiff is cautioned that the in forma pauperis application form includes a section that must be completed by a prison official, and the form must be accompanied by a certified copy of plaintiff’s prison trust account statement for the six-month period immediately preceding the filing of this action.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Plaintiff shall submit, within thirty days from the date of this order, either the
3 \$350.00 filing fee or a properly completed application to proceed in forma pauperis on the form
4 provided with this order; plaintiff is cautioned that failure to comply with this order or seek an
5 extension of time to do so will result in a recommendation that this action be dismissed without
6 prejudice; and

7 2. The Clerk of the Court is directed to send plaintiff an Application to Proceed
8 In Forma Pauperis By a Prisoner for use in a civil rights action.

9 DATED: January 29, 2009.

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12 _____
13 DALE A. DROZD
14 UNITED STATES MAGISTRATE JUDGE

13 DAD:9:md
14 lewi0195.3a