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

RUSTY LUGO,

No. CIV S-09-0505-MCE-CMK-P

Plaintiff,

vs.

ORDER

WILLIAMS, et al.,

Defendants.

\_\_\_\_\_ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983.<sup>1</sup> Pending before the court is plaintiff’s request for leave to proceed in forma pauperis (Docs. 2 and 12). Plaintiff’s complaint will be addressed separately.

Plaintiff has submitted a declaration that makes the showing required by 28 U.S.C. § 1915(a). The request to proceed in forma pauperis will, therefore, be granted.

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<sup>1</sup> Plaintiff raised the same claims in a prior action – CIV-S-07-1134-MCE-JFM – which was dismissed without prejudice for failure to resolve fees.

