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

DAVID JOHN BERG,

Plaintiff,

No. CIV S-09-1492 MCE EFB P

vs.

KAZALEC, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a prisoner without counsel, has filed a complaint alleging civil rights violations.

See 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).

Although plaintiff has submitted a copy of his trust account statement, he has neither paid the fee nor submitted a proper application for leave to proceed *in forma pauperis*.

Accordingly, plaintiff has 30 days from the date of service of this order to submit either the filing fee or the application required by § 1915(a). The Clerk of the Court is directed to mail


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1 to plaintiff a form application for leave to proceed in forma pauperis. Failure to comply with this
2 order will result in a recommendation that this action be dismissed.

3 So ordered.

4 DATED: November 5, 2009.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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