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

EARL WARNER,

Plaintiff,

No. CIV S-09-1568 EFB P

vs.

MATHEW L. CATE, 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).

Plaintiff 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 may result in this action being dismissed.

3 So ordered.

4 DATED: November 4, 2009.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE

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