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

DUDLEY JACKLINE,

Plaintiff,

No. CIV S-09-1578 EFB P

vs.

UNKNOWN,

Defendant.

ORDER

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Plaintiff is a prisoner without counsel who, it appears, intends to seek relief for alleged civil rights violations. *See* 42 U.S.C. § 1983. However, he has not filed a complaint, nor has he paid the filing fee or filed an application for leave to proceed *in forma pauperis*.

A complaint is necessary for the commencement of a civil action and must contain a short and plain statement of plaintiff’s claim, showing that he is entitled to relief. Fed. R. Civ. P. 3; Fed. R. Civ. P. 8. Plaintiff may draft his claims on the form complaint used by this court.

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). 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

1 account statement (or institutional equivalent) for the prisoner for the 6-month period  
2 immediately preceding the filing of the complaint . . . , obtained from the appropriate official of  
3 each prison at which the prisoner is or was confined.” In order to proceed, plaintiff must either  
4 pay the filing fee or comply with the *in forma pauperis* statute.

5 Accordingly, it is hereby ORDERED that:

6 1. The Clerk of the Court shall send to plaintiff the form complaint and application for  
7 leave to proceed in forma pauperis used in this court.

8 2. Withing 30 days of the date of this order, plaintiff shall either pay the \$350 filing fee  
9 or submit a complete application for leave to proceed in forma pauperis; and

10 3. Within 30 days of the date of this order, plaintiff shall submit a complaint stating the  
11 nature of the action and his belief that he is entitled to redress. Failure to comply with this order  
12 may result in this action being dismissed.

13 Dated: December 15, 2009.

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15 EDMUND F. BRENNAN  
16 UNITED STATES MAGISTRATE JUDGE  
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