

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

DIOVANNI WHITMIRE,

Plaintiff,

No. CIV S-09-1919 EFB P

vs.

ROBIN KEENEY,

Defendant.

ORDER

\_\_\_\_\_/


Plaintiff is a confined in a county jail and proceeds without counsel in an action brought under 42 U.S.C. § 1983. He seeks leave to proceed *in forma pauperis*. See 28 U.S.C. § 1915(a). This proceeding was referred to this court by Local Rule 72-302 pursuant to 28 U.S.C. § 636(b)(1) and is before the undersigned pursuant to plaintiff's consent. See 28 U.S.C. § 636; see also E.D. Cal. Local Rules, Appx. A, at (k)(1)-(2).

On July 24, 2009, the court found that plaintiff did not submit a certified copy of his trust account statement with his application to proceed *in forma pauperis*. Accordingly, the court ordered plaintiff to file a completed *in forma pauperis* application together with the required certified copy of his prison trust account statement. The order gave plaintiff 30 days to file the required application and warned him that failure to do so may result in this action being dismissed.

1           The 30-day period has expired and plaintiff has not filed a completed *in forma pauperis*  
2 affidavit or otherwise responded to the court's order.

3           Accordingly, this action is dismissed without prejudice.

4 Dated: September 17, 2009.

5   
6 EDMUND F. BRENNAN  
7 UNITED STATES MAGISTRATE JUDGE  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26