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

CHARLES HEAD,

Plaintiff,

No. CIV S-09-2138 EFB FCD P

vs.

SACRAMENTO COUNTY JAIL,

Defendants.

ORDER

_____/

Plaintiff is detained in the Sacramento County Jail pending trial on federal criminal charges. In the action he seeks to commence before the undersigned, he proceeds without counsel. It appears that he intends to seek relief for alleged civil rights violations. *See* 42 U.S.C. § 1983. He has filed a motion for a temporary restraining order. He has not paid the filing fee or sought leave to proceed *in forma pauperis*. He has not filed a complaint.

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 account statement (or institutional equivalent) for the prisoner for the 6-month period

1 immediately preceding the filing of the complaint . . . , obtained from the appropriate official of
2 each prison at which the prisoner is or was confined.” In order to proceed, plaintiff must either
3 pay the filing fee or comply with the *in forma pauperis* statute.

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

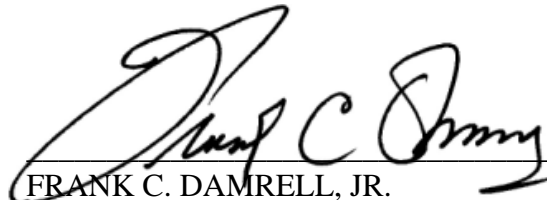
8 Accordingly, it hereby is ORDERED that:

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

11 2. Within 30 days of the date this order is served, plaintiff shall submit a complaint.
12 Failure to comply with this order may result in my denial of the application for leave to proceed
13 in forma pauperis.

14 3. The Clerk of the Court shall send to plaintiff the form complaint and application for
15 leave to proceed *in forma pauperis* used in this court.

16 Dated: August 11, 2009

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19 FRANK C. DAMRELL, JR.
20 UNITED STATES DISTRICT JUDGE
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