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

10 ROBERT P. BENYAMINI,

11 Plaintiff,

No. CIV S-09-2462 DAD P

12 vs.

13 J. D. HARRIS, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant
17 to 42 U.S.C. § 1983. Plaintiff has not paid the required filing fee of \$350.00 or filed an
18 application to proceed in forma pauperis. See 28 U.S.C. §§ 1914(a) & 1915(a). Plaintiff will be
19 granted thirty days to pay the filing fee in full or submit a properly completed application to
20 proceed in forma pauperis.

21 Plaintiff is cautioned that the in forma pauperis application form includes a
22 section that must be completed by a prison official, and the form must be accompanied by a
23 certified copy of plaintiff's prison trust account statement for the six-month period immediately
24 preceding the filing of this action.

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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff shall submit, within thirty days from the date of this order, either the \$350.00 filing fee or a properly completed application to proceed in forma pauperis on the form provided with this order; plaintiff is cautioned that failure to comply with this order or seek an extension of time to do so will result in a recommendation that this action be dismissed without prejudice; and

2. The Clerk of the Court is directed to send plaintiff an Application to Proceed In Forma Pauperis By a Prisoner for use in a civil rights action.

DATED: September 11, 2009.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

DAD:kly
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