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

CARLOS HENDON,

Plaintiff,

No. CIV S-09-2935 FCD EFB P

vs.

KNOWLES, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On December 15, 2009, the court found that plaintiff had not filed an in forma pauperis affidavit or paid the appropriate filing fee, and recommended that this action be dismissed without prejudice. Dckt. No. 5. On December 22, 2009, plaintiff filed objections. Dckt. No. 6. Plaintiff states that he was granted leave to proceed in forma pauperis in another civil action, and states his belief that he is therefore not obligated to pay the filing fee in this action. *Id.* Plaintiff is cautioned that even if he is proceeding in forma pauperis in another action that he has filed, he must still submit an application to proceed in forma pauperis *in this action*. The court will vacate its December 15, 2009 findings and recommendations and give plaintiff one final opportunity either to pay the filing fee or submit an application to proceed in forma pauperis.

1 Accordingly, it is ORDERED that:

2 1. The December 15, 2009 findings and recommendations are vacated.

3 2. Plaintiff has 30 days from the date of service of this order to submit either the filing
4 fee or the application required by 28 U.S.C. § 1915(a).

5 3. The Clerk of the Court is directed to mail to plaintiff a form application for leave to
6 proceed in forma pauperis.

7 4. Failure to comply with this order will result in a recommendation that this action be
8 dismissed.

9 Dated: May 3, 2010.

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11 EDMUND F. BRENNAN
12 UNITED STATES MAGISTRATE JUDGE
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