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

MARCUS RUBEN ELLINGTON,

Plaintiff,

No. 2:09-cv-2985 JFM

vs.

DIRECTOR OF CORRECTIONS,
et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983 and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. This proceeding was referred to this court by Local Rule 72-302 pursuant to 28 U.S.C. § 636(b)(1).

On November 5, 2009, plaintiff was directed to provide a completed in forma pauperis application along with a certified copy of his prison trust account statement for the six month period immediately preceding the filing of the complaint. See 28 U.S.C. § 1915(a)(2). On November 30, 2009, plaintiff filed a motion to proceed in forma pauperis, but again the certificate portion of the request was not completed and no certified copy of the prison trust account statement was provided. Plaintiff provided a letter of explanation in which he states the in forma pauperis application was returned to him by prison officials with a post-it note on it,

1 signed by an unidentified "V. Scruggs," stating that he/she needs the entire form filled out and
2 signed to process. Plaintiff asks the court to require prison officials to fax a certification of
3 indigency to the court so that the court may review his allegations of irreparable harm.

4 However, the instant action is proceeding as to defendants at High Desert State
5 Prison, from which plaintiff was recently transferred. Thus, plaintiff is not at risk of irreparable
6 harm from those defendants at the present time. Accordingly, plaintiff will be provided an
7 additional thirty days in which to provide the completed in forma pauperis affidavit and the
8 certified trust account statement. Plaintiff is cautioned that failure to provide these documents
9 may result in the dismissal of this action.

10 In accordance with the above, IT IS HEREBY ORDERED that:

11 1. Within thirty days from the date of this order, plaintiff shall complete the
12 attached Notice of Submission and submit the following documents to the court:

13 a. A complete Application to Proceed In Forma Pauperis By a Prisoner;

14 and

15 b. a certified copy of plaintiff's prison trust account statement for the six
16 month period immediately preceding the filing of the complaint.

17 2. The Clerk of the Court is directed to send plaintiff a new Application to
18 Proceed In Forma Pauperis By a Prisoner; and

19 3. Plaintiff's failure to comply with this order may result in the dismissal of this
20 action without prejudice.

21 DATED: December 10, 2009.

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24 UNITED STATES MAGISTRATE JUDGE

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

MARCUS RUBEN ELLINGTON,

Plaintiff,

No. 2:09-cv-2985 JFM

vs.

DIRECTOR OF CORRECTIONS,
et al.,

Defendants.

NOTICE OF SUBMISSION

_____ /

Plaintiff hereby submits the following document in compliance with the court's
order filed _____:

Complete Application to Proceed In Forma Pauperis
By a Prisoner/Certified Copy of Prison Trust Account
Statement

DATED:

Plaintiff