

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

MALIK JONES,

Plaintiff,

No. CIV S-09-3092 WBS EFB P

vs.

T. FELKER, et al.,

Defendants.

ORDER

\_\_\_\_\_/

Plaintiff, a prisoner without counsel, has filed a complaint alleging civil rights violations. See 42 U.S.C. § 1983. On November 6, 2009, he submitted an affidavit requesting leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a)(1).

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 immediately preceding the filing of the complaint . . . , obtained from the appropriate official of each prison at which the prisoner is or was confined.” Plaintiff has not submitted a certified copy of his trust account statement or the institutional equivalent. By order dated November 16, 2009, the court informed plaintiff that he could comply with the trust account statement requirement of § 1915(a)(2) by having prison officials

1 complete the "Certificate" portion of the form application for leave to proceed *in forma*  
2 *pauperis*. The court granted plaintiff 30 days to submit the required trust account statement.  
3 Instead, plaintiff submitted a letter to the court informing it that prison mail room staff confirmed  
4 mailing of his application to proceed *in forma pauperis* on November 4, 2009. As the court  
5 informed plaintiff in the November 16, 2009 order, however, that application did not include a  
6 trust account statement. The court will grant plaintiff one last extension of time to submit that  
7 statement.

8           Accordingly, plaintiff has 30 days from the date this order is served to submit the  
9 required trust account statement. Failure to comply with this order will result in a  
10 recommendation that this action be dismissed.

11           So ordered.

12 DATED: May 11, 2010.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE