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

KENNETH A. SMITH,

Plaintiff,

No. CIV S-09-3108 EFB P

vs.

D.V.I. RECEPTIONAL CENTER
PROCESSING STAFF,

Defendant.

ORDER

Plaintiff, a prisoner without counsel, has filed a complaint alleging civil rights violations. See 42 U.S.C. § 1983. He has 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.

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1 Accordingly, plaintiff has 30 days from the date this order is served to submit the
2 required trust account statement. Failure to comply with this order will result in a
3 recommendation that this action be dismissed. The Clerk of the court is directed to send to
4 plaintiff a new form Application to Proceed In Forma Pauperis by a Prisoner.

5 So ordered.

6 DATED: November 16, 2009.

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8 EDMUND F. BRENNAN
9 UNITED STATES MAGISTRATE JUDGE
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