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

HON LAU,

Plaintiff,

No. CIV S-09-3146 DAD P

vs.

BILL LOCKYER,

Defendant.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On June 8, 2010, the court ordered plaintiff to file a properly completed in forma pauperis application. To the extent that plaintiff was unable to file a completed in forma pauperis application because he could not obtain a certified copy of his trust account statement, the court ordered plaintiff to provide the dates on which he requested his trust account statement; to whom he made his requests; and the reasons given by prison officials for denying his request.

On June 16, 2010, plaintiff responded to the court’s order by filing a motion “for relief from judgment.” Therein, plaintiff explains that all inmates at his institution of confinement are currently under lock-down and have limited access to the law library. Plaintiff also states that he has submitted his request for a certified trust account statement, but his request has not been returned and has presumably been lost by prison officials.

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Plaintiff has subsequently been transferred to Kern Valley State Prison.

Accordingly, good cause appearing, the court will grant plaintiff an extension of time to attempt, once again, to obtain a certified copy of his trust account statement at his new institution of incarceration for the purpose of filing a properly completed in forma pauperis application in this case.

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

1. Plaintiff's June 18, 2010 motion for relief (Doc. No. 17) is granted to the extent that he requests additional time to file a properly completed in forma pauperis application in this case;

2. Plaintiff shall submit, within thirty days from the date of this order a properly completed in forma pauperis application that includes a certified copy of plaintiff prison trust account statement for the six-month period immediately preceding the filing of the complaint in this cation AND/OR a prison official's certification; 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

3. 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 24, 2010.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

DAD:sj
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