

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. Plaintiff commenced this civil rights action by filing a complaint, together with an incomplete in forma pauperis application. On February 16, 2010, the court denied plaintiff's in forma pauperis application without prejudice and ordered plaintiff to submit within thirty days a properly completed in forma pauperis application. In response to the court's order, plaintiff filed a notice of interlocutory appeal, which the Ninth Circuit recently dismissed for lack of jurisdiction.

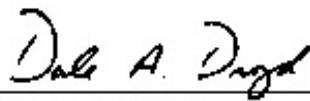
In the interest of justice, the court will grant plaintiff a final thirty days to file a properly completed in forma pauperis application that includes a certified copy of his prison trust account statement for the six-month period immediately preceding the filing of the complaint in this action and a prison official's certification. Plaintiff's failure to comply with this order will result in a recommendation that this action be dismissed.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Plaintiff shall submit, within thirty days from the date of this order a properly
3 completed in forma pauperis application that includes a certified copy of plaintiff's prison trust
4 account statement for the six-month period immediately preceding the filing of the complaint in
5 this action and a prison official's certification; plaintiff is cautioned that failure to comply with
6 this order will result in a recommendation that this action be dismissed without prejudice; and
7 2. The Clerk of the Court is directed to send plaintiff an Application to Proceed
8 In Forma Pauperis By a Prisoner for use in a civil rights action.

9 DATED: April 20, 2010.

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12 DAD:9
13 lau3146.3e(2)


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12 DALE A. DROZD
13 UNITED STATES MAGISTRATE JUDGE

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