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

10 HON LAU,

11 Plaintiff,

No. CIV S-09-3146 DAD P

12 vs.

13 BILL LOCKYER,

14 Defendant.

ORDER

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

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

Accordingly, IT IS HEREBY ORDERED that:

1. 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's 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 is cautioned that failure to comply with this order will result in a recommendation that this action be dismissed without prejudice; and

2. 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: April 20, 2010.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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