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

10 XAI XIONG,

11 Plaintiff,

No. CIV S-09-3345 GGH P

12 vs.

13 H. KIRLAND, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant
17 to 42 U.S.C. § 1983. Plaintiff has not, however, filed an in forma pauperis affidavit or paid the
18 required filing fee. See 28 U.S.C. §§ 1914(a), 1915(a). Plaintiff will be provided the opportunity
19 either to submit the appropriate affidavit in support of a request to proceed in forma pauperis or
20 to submit the appropriate filing fee.

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

22 1. Plaintiff shall submit, within thirty days from the date of this order, an affidavit
23 in support of his request to proceed in forma pauperis on the form provided by the Clerk of
24 Court, or the appropriate filing fee; plaintiff's failure to comply with this order will result in the
25 dismissal of this action; and

26 /////

1 2. The Clerk of the Court is directed to send plaintiff a new Application to
2 Proceed In Forma Pauperis By a Prisoner.

3 DATED: December 17, 2009

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5 /s/ Gregory G. Hollows

6 _____
7 GREGORY G. HOLLOWS
8 UNITED STATES MAGISTRATE JUDGE

7 GGH:md
8 xion3345.3a