

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

TAHEE ABD RASHEED,
Plaintiff,

No. CIV S-09-3552-CMK-P

vs.

ORDER

SUPERVISOR, STATE CORRECTION
SYSTEM, et al.
Defendants.

_____ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c).

Plaintiff has not, however, filed a complete application to proceed in forma pauperis, along with a certified copy of his trust account statement for the six-month period immediately preceding the filing of the complaint, or paid the required filing fee. See 28 U.S.C. §§ 1914(a), 1915(a), (a)(2). Plaintiff will be provided the opportunity to submit either a

///
///
///

1 completed application to proceed in forma pauperis or the appropriate filing fee.¹ Plaintiff is
2 warned that failure to resolve the fee status of this case within the time provided may result in the
3 dismissal of this action for lack of prosecution and failure to comply with court rules and orders.
4 See Local Rule 110.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. Plaintiff shall submit on the form provided by the Clerk of the Court,
7 within 30 days from the date of this order, a complete application for leave to proceed in forma
8 pauperis, with the required certified copy of his trust account statement, or the appropriate filing
9 fee; and

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

12
13
14 DATED: April 21, 2010

15 
16 **CRAIG M. KELLISON**
17 UNITED STATES MAGISTRATE JUDGE

18
19
20
21
22
23 _____
24 ¹ However, it appears that Plaintiff is not eligible to proceed in forma pauperis in
25 this action because he has filed, on three or more prior occasions, actions in this court which
26 have been dismissed on the grounds that they were frivolous, malicious, or failed to state a claim.
See 28 U.S.C. § 1915(g). However, Plaintiff is provided this opportunity to either submit the
filing fee or his application to proceed in forma pauperis with some showing that he meets the
“under imminent danger of serious physical injury” standard.