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

HON LAU,

No. CIV S-10-0549-CMK-P

Plaintiff,

vs.

ORDER

CALIFORNIA NATIONAL
GUARD, et al.,

Defendants.

_____ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. On March 19, 2010, and again on April 22, 2010, the court directed plaintiff to resolve the fee status for this case within 30 days of the date of the order. Plaintiff was warned that failure to comply may result in dismissal of this action for lack of prosecution and failure to comply with court orders and rules. See Local Rule 110. As of May 7, 2010, plaintiff had not complied by either paying the full filing fee or filing a complete application for leave to proceed in forma pauperis. In particular, while plaintiff submitted various applications for leave to proceed in forma pauperis (see Docs. 6, 7, and 9), none have been accompanied by the required certified copy of plaintiff’s prison trust account statement despite having been explicitly

1 instructed on numerous occasions that such a statement is required to complete his application.

2 In light of plaintiff's non-compliance, the court issued an order directing plaintiff
3 to show cause why the action should not be dismissed. Rather than responding, plaintiff filed an
4 interlocutory appeal from the order to show cause. That appeal was dismissed by the Ninth
5 Circuit Court of Appeals on June 16, 2010. Now before the court is plaintiff's document entitled
6 "Application for Relief from Default." Plaintiff states that he is having difficulty obtaining the
7 required certified trust account statement from prison officials. Good cause appearing therefor,
8 the court will discharge the order to show cause and grant plaintiff additional time to submit a
9 certified copy of his trust account statement.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The order to show cause issued on May 7, 2010, is discharged;
- 12 2. Plaintiff shall submit a certified copy of his prison trust account statement
13 within 30 days of the date of this order.

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15 DATED: June 30, 2010

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17 **CRAIG M. KELLISON**
18 UNITED STATES MAGISTRATE JUDGE
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