

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 ELIJAH M. SMITH, JR.,

11 Plaintiff,

No. CIV S-10-0678 EFB P

12 vs.

13 BOYNE J. WALTER,

14 Defendant.

ORDER

15 _____/
16 Plaintiff, a prisoner without counsel, has filed a complaint to initiate a civil action. He
17 has submitted an affidavit requesting leave to proceed *in forma pauperis* pursuant to 28 U.S.C.
18 § 1915(a)(1).

19 Section 1915(a)(2) requires “a prisoner seeking to bring a civil action without
20 prepayment of fees or security therefor, in addition to filing the affidavit filed under paragraph
21 (1), shall submit a certified copy of the trust fund account statement (or institutional equivalent)
22 for the prisoner for the 6-month period immediately preceding the filing of the complaint . . . ,
23 obtained from the appropriate official of each prison at which the prisoner is or was confined.”
24 Plaintiff has not submitted a certified copy of his trust account statement or the institutional
25 equivalent. He may comply with this requirement by having prison officials complete the
26 “Certificate” portion of the form application for leave to proceed *in forma pauperis*.

1 Accordingly, plaintiff has 30 days from the date this order is served to submit the
2 required trust account statement. Failure to comply with this order will result in dismissal of this
3 action. The Clerk of the court is directed to send to plaintiff a new form Application to Proceed
4 In Forma Pauperis by a Prisoner.

5 So ordered.

6 DATED: April 12, 2010.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE