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

TONY AUSTIN GANT,

Plaintiff,

No. CIV S-10-0838 FCD EFB P

vs.

SHASTA COUNTY DEPARTMENT OF
SOCIAL SERVICES, et al.,

Defendants.

ORDER

Plaintiff, a prisoner without counsel, has filed a complaint alleging civil rights violations. See 42 U.S.C. § 1983. He has submitted an affidavit requesting leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a)(1).

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

1 Plaintiff previously brought a lawsuit in this court alleging the same claims. *See* Civ. S-
2 09-3549 EFB P. That case was dismissed without prejudice for the following reasons, contained
3 in the undersigned's March 18, 2010 order:

4 On three separate occasions, the court has ordered plaintiff to submit the affidavit
5 required by 28 U.S.C. § 1915(a)(1), in support of his *in forma pauperis*
6 application. Dckt. No. 4, 6, 9. Most recently, on March 2, 2010, the court gave
7 plaintiff one final opportunity to submit a *completed* affidavit, and specifically
reminded plaintiff that it is not sufficient to merely sign the affidavit, and that he
must also respond to the questions asked therein. Dckt No. 9. The court
warned plaintiff that failure to do so would result in dismissal. *Id.*

8 On March 10, 2010, plaintiff submitted an affidavit in support of his application
9 to proceed *in forma pauperis*. Dckt. No. 10. The affidavit, while signed by
10 plaintiff, is incomplete, as plaintiff did not respond to the questions asked therein.
11 As plaintiff has not paid the \$350 filing fee required to commence a civil action or
properly submitted an application to proceed *in forma pauperis*, this case must be
dismissed. *See* 28 U.S.C. §§ 1914(a), 1915(a).

12 Accordingly, plaintiff has 30 days from the date this order is served to submit the
13 required trust account statement. Failure to comply with this order will result in a
14 recommendation that this action be dismissed. The Clerk of the court is directed to send to
15 plaintiff a new form Application to Proceed In Forma Pauperis by a Prisoner.

16 So ordered.

17 DATED: October 21, 2010.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE