

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

WADE KENNETH MALLETT,

Plaintiff, No. 2:10-cv-0851 KJN F

VS.

SUSAN HUBBARD, et al.,

Defendant. ORDER

On April 15, 2010, the undersigned found that the in forma pauperis affidavit submitted by plaintiff was inadequate. In particular, the certificate portion of the request which must be completed by plaintiff's institution of incarceration had not been filled out. Also, plaintiff had not filed a certified copy of his prison trust account statement for the six month period immediately preceding the filing of the complaint. Plaintiff was granted thirty days to submit a properly completed application to proceed in forma pauperis and a certified copy of his trust account.

On May 17, 2010, plaintiff filed a new application to proceed in forma pauperis. Again, the certificate portion of this application has not been completed by plaintiff's institution. On May 17, 2010, plaintiff also filed a motion for extension of time to file his trust account statement. Plaintiff alleges that the Inmate Trust Office had not yet provided him with a copy of

1 his trust statement.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. Plaintiff's May 17, 2010 motion for an extension of time to file his trust
4 statement (Dkt. No. 8) is granted;

5 2. Plaintiff's May 20, 2010 motion to proceed in forma pauperis (Dkt. No. 9) is
6 denied without prejudice;

7 3. Within thirty days of the date of this order, plaintiff shall complete the attached
8 Notice of Submission and submit the following documents to the court:

9 a. A complete Application to Proceed In Forma Pauperis By a Prisoner;
10 and

11 b. a certified copy of plaintiff's trust account statement for the six month
12 period immediately preceding the filing of the complaint.

13 4. The Clerk of the Court is directed to send plaintiff a new Application to
14 Proceed In Forma Pauperis By a Prisoner; and

15 5. Plaintiff's failure to comply with this order may result in the dismissal of this
16 action without prejudice.

17 DATED: June 2, 2010

20 
21 KENDALL J. NEWMAN
22 UNITED STATES MAGISTRATE JUDGE

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