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

AZHAR LAL,

Plaintiff,

No. CIV S-10-1051 JAM DAD P

vs.

M.D. McDONALD, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff, a state prisoner proceeding pro se, is seeking relief pursuant to 42 U.S.C. § 1983. On May 6, 2010, the court ordered plaintiff to pay the \$350.00 filing fee in connection with this action or submit a properly completed application to proceed in forma pauperis. (Doc. No. 3.) Plaintiff failed to respond to the court’s order and thus, on June 15, 2010, the undersigned issued findings and recommendations, recommending that this action be dismissed without prejudice. (Doc. No. 6.)

On July 8, 2010, plaintiff filed objections to these findings and recommendations. Therein, plaintiff declares that he was unable to timely respond to the court’s May 6, 2010 order because he was transferred from High Desert State Prison to California State Prison, Sacramento. According to plaintiff, this transfer caused delays in the receipt of his mail. In addition, plaintiff declares that on June 3, 2010, he mailed a request to the court for an extension of time to file his

1 in forma pauperis application. Plaintiff concedes, however, that his motion for an extension of  
2 time is not reflected in the docket for this case.

3           Nevertheless, in the interest of justice, the undersigned will vacate the June 15,  
4 2010 findings and recommendations and grant plaintiff a final thirty days to pay the \$350.00  
5 filing fee for this action or submit a properly completed in forma pauperis application. Plaintiff  
6 is cautioned that failure to pay the filing fee or submit a properly completed in forma pauperis  
7 application will once again result in the undersigned recommending that this case be dismissed.  
8 See Fed. R. Civ. P. 41.

9           Accordingly, IT IS HEREBY ORDERED that:

10           1. The court's June 15, 2010 findings and recommendations (Doc. No. 5) are  
11 vacated;

12           2. Within thirty days of the date of this order, plaintiff shall submit either the  
13 \$350.00 filing fee or a properly completed application to proceed in forma pauperis on the form  
14 provided with this order; and

15           3. The Clerk of the Court is directed to send plaintiff an Application to Proceed  
16 In Forma Pauperis By a Prisoner for use in a civil rights action.

17 DATED: July 13, 2010.

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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

21 DAD:sj  
22 lal1051.vac+3A  
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