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

HUNG DUONG NGUON,

Plaintiff,

No. CIV S-10-1058 DAD P

vs.

T. VIRGA,

Defendant.

ORDER

_____/

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983 together with a request for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.¹

Plaintiff's in forma pauperis application does not include a certified copy of plaintiff's prison trust account statement for the six-month period immediately preceding the filing of the complaint in this action or a prison official's certification. See 28 U.S.C. § 1915(a)(2). Plaintiff's incomplete application will be denied with leave to file a properly completed application to proceed in forma pauperis.

¹ This case was opened by the Clerk of the Court as a habeas corpus action because plaintiff filed his complaint on a habeas corpus form. However, because plaintiff is challenging the conditions of his confinement, the court has construed plaintiff's allegations as seeking relief pursuant to 42 U.S.C. § 1983.

