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8	IN THE UNITED STATES DISTRICT COURT
9	FOR THE EASTERN DISTRICT OF CALIFORNIA
10	HUNG DUONG NGUON,
11	Plaintiff, No. CIV S-10-1058 DAD P
12	vs.
13	T. VIRGA,
14	Defendant. <u>ORDER</u>
15	/
16	Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant
17	to 42 U.S.C. § 1983 together with a request for leave to proceed in forma pauperis pursuant to 28
18	U.S.C. § 1915. <sup>1</sup>
19	Plaintiff's in forma pauperis application does not include a certified copy of
20	plaintiff's prison trust account statement for the six-month period immediately preceding the
21	filing of the complaint in this action or a prison official's certification. See 28 U.S.C.
22	§ 1915(a)(2). Plaintiff's incomplete application will be denied with leave to file a properly
23	completed application to proceed in forma pauperis.
24	This area may arranged by the Clark of the Court are habits a sector of the large sect
25	<sup>1</sup> 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

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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.

1	Accordingly, IT IS HEREBY ORDERED that:
2	1. Plaintiff's application to proceed in forma pauperis (Doc. No. 2) is denied
3	without prejudice;
4	2. Plaintiff shall submit, within thirty days from the date of this order a properly
5	completed in forma pauperis application that includes a certified copy of plaintiff's prison trust
6	account statement for the six-month period immediately preceding the filing of the complaint in
7	this action and a prison official's certification; plaintiff is cautioned that failure to comply with
8	this order or seek an extension of time to do so will result in a recommendation that this action
9	be dismissed without prejudice;
10	3. The Clerk of the Court is directed to send plaintiff an Application to Proceed
11	In Forma Pauperis By a Prisoner for use in a civil rights action; and
12	4. The Clerk of the Court is directed to change the designation of this case to a
13	civil rights action.
14	DATED: June 25, 2010.
15	2002
16	Dale A. Drogd
17	UNITED STATES MAGISTRATE JUDGE
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