

1  
2  
3  
4  
5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 ROBERTO HERRERA,

11 Plaintiff,

No. CIV S-10-1154 DAD P

12 vs.

13 P. STATTI,

14 Defendant.

ORDER

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. Plaintiff has  
18 not submitted his in forma pauperis request on a proper form.

19 Plaintiff's request for leave to proceed in forma pauperis will be denied, and  
20 plaintiff will be granted thirty days to submit a new request on a proper form. Plaintiff is  
21 cautioned that the form includes a section that must be completed by a prison official, and the  
22 application form must be accompanied by a certified copy of plaintiff's prison trust account  
23 statement for the six-month period immediately preceding the filing of this action.

24 Accordingly, IT IS HEREBY ORDERED that:

25 1. Plaintiff's May 6, 2010, request for leave to proceed in forma pauperis (Doc.  
26 No. 2) is denied without prejudice;

1                   2. The Clerk of the Court is directed to send plaintiff an Application to Proceed  
2 In Forma Pauperis By a Prisoner for use in a civil rights action; and

3                   3. Plaintiff shall submit, within thirty days from the date of this order, a properly  
4 completed application to proceed in forma pauperis on the form provided with this order;  
5 plaintiff is cautioned that failure to comply with this order or seek an extension of time to do so  
6 will result in a recommendation that this action be dismissed without prejudice.

7 DATED: May 14, 2010.

8  
9   
10 DALE A. DROZD  
11 UNITED STATES MAGISTRATE JUDGE

12 DAD:kly:sj  
13 herr1154.3d  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26