

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

DANIEL CRUZ,

Plaintiff,

No. CIV S-10-1162 JAM EFB P

vs.

MICHAELS, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a prisoner without counsel, has filed a complaint alleging civil rights violations. See 42 U.S.C. § 1983. He has submitted an affidavit requesting leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a)(1).

Section 1915(a)(2) requires “a prisoner seeking to bring a civil action without prepayment of fees or security therefor, in addition to filing the affidavit filed under paragraph (1), shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint . . . , obtained from the appropriate official of each prison at which the prisoner is or was confined.” Plaintiff has not submitted a certified copy of his trust account statement or the institutional equivalent. Although his form application, not issued by the Eastern District of California, includes a “Certificate” signed by institutional staff, that certificate does not include the balance

1 of plaintiff's trust account statement for the 6-month period immediately preceding the filing of
2 the complaint, as required by § 1915(a)(2). Plaintiff may comply with this requirement by either
3 submitting a certified copy of his trust fund account statement or having prison officials
4 complete the "Certificate" portion of the form application for leave to proceed *in forma pauperis*
5 issued by this court (the Eastern District of California).

6 Accordingly, plaintiff has 30 days from the date this order is served to submit the
7 required trust account statement. Failure to comply with this order will result in a
8 recommendation that this action be dismissed. The Clerk of the court is directed to send to
9 plaintiff a new form Application to Proceed In Forma Pauperis by a Prisoner.

10 So ordered.

11 DATED: May 25, 2010.

12 
13 EDMUND F. BRENNAN
14 UNITED STATES MAGISTRATE JUDGE
15
16
17
18
19
20
21
22
23
24
25
26