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

ROBERT HERRERA,

Plaintiff,

No. 2:10-cv-1181-MCE-JFM (PC)

vs.

B. WHEELER, et al.,

Defendants.

ORDER

_____/

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. On May 13, 2010, plaintiff filed a motion to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a)(2). However, the certificate portion of the request which must be completed by plaintiff's institution of incarceration was not filled out. Also, plaintiff did not file a certified copy of his prison trust account statement for the six month period immediately preceding the filing of the complaint. See 28 U.S.C. § 1915(a)(2). On May 25, 2010, plaintiff was granted thirty days from the date of the order to file a completed application. Plaintiff failed to do so. Also on May 25, 2010, plaintiff's motion to appoint counsel was denied.

On June 28, 2010, plaintiff filed a motion for access to the law library. Plaintiff contends his legal files have been confiscated and he is being denied access to the law library. Plaintiff alleges that the staff at High Desert State Prison are retaliating against him for filing the

1 present action. Plaintiff seeks injunctive relief, an extension of time on any deadlines imposed in
2 this matter, a transfer to another facility, and, finally, appointment of counsel.

3 To the extent plaintiff is raising new claims of retaliation and denial of access to
4 the courts, plaintiff is advised that those claims are not before the court in the instant complaint.

5 To the extent plaintiff is seeking injunctive relief, the court notes that plaintiff has not
6 demonstrated that there exists a significant threat of irreparable injury. See Coalition for
7 Economic Equity v. Wilson, 122 F.3d 692, 700 (9th Cir. 1997); Oakland Tribune, Inc. v.
8 Chronicle Publ'g Co., 762 F.2d 1374, 1376 (9th Cir. 1985). Also, the court is unable to issue an
9 order against individuals who are not parties to a suit pending before it. See Zenith Radio Corp.
10 v. Hazeltine Research, Inc., 395 U.S. 100, 112 (1969). Lastly, the court previously denied
11 plaintiff's motion for appointment of counsel.

12 Good cause appearing, IT IS HEREBY ORDERED that:

13 1. Plaintiff's June 28, 2010 motion for access to the law library is denied in part
14 and granted in part;

15 a. plaintiff's request for injunctive relief, transfer to another facility, and
16 appointment of counsel are denied;

17 b. plaintiff is granted an extension to file a completed application for in
18 forma pauperis;

19 2. Within thirty days from the date of this order, plaintiff shall complete the
20 attached Notice of Submission and submit the following documents to the court:

21 a. A complete Application to Proceed In Forma Pauperis By a Prisoner;
22 and

23 b. a certified copy of plaintiff's prison trust account statement for the six
24 month period immediately preceding the filing of the complaint.

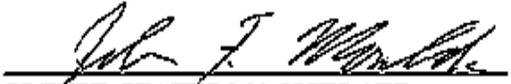
25 3. The Clerk of the Court is directed to send plaintiff a new Application to
26 Proceed In Forma Pauperis By a Prisoner and a copy of this court's May 25, 2010 order;

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4. Plaintiff's failure to comply with this order may result in the dismissal of this action without prejudice; and

5. The Clerk of the Court is directed to serve a courtesy copy of plaintiff's motion and this order on the Supervising Deputy Attorney General Monica Anderson.

DATED: August 2, 2010.


UNITED STATES MAGISTRATE JUDGE

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

ROBERTO HERRERA,

Plaintiff,

No. 2:10-cv-1181-MCE-JFM (PC)

vs.

B. WHEELER, et al.,

NOTICE OF SUBMISSION

Defendants.

_____ /

Plaintiff hereby submits the following document in compliance with the court's
order filed _____:

Complete Application to Proceed In Forma Pauperis

By a Prisoner/Certified Copy of Prison Trust

Account

Statement

DATED:

Plaintiff