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

JOSEPH S. DURAN, III.,

Plaintiff,

No. CIV S-10-1430 GGH P

vs.

LESLIE M. CALDWELL,

Defendant.

ORDER

\_\_\_\_\_ /

Plaintiff, a county jail inmate 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. However, this action was filed on June 4, 2010, but the certificate portion of the request which must be completed by plaintiff's institution of incarceration and the certified copy of his prison trust account statement are dated February 11, 2010. Plaintiff will be provided the opportunity to submit a completed and current in forma pauperis application and a certified copy of his prison trust account statement for the six month period immediately preceding the filing of the complaint, in support of his application. See 28 U.S.C. § 1915(a)(2).

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1 In accordance with the above, IT IS HEREBY ORDERED that:

2 1. Plaintiff's June 4, 2010, application to proceed in forma pauperis (Docket No.  
3 2) is dismissed without prejudice;

4 2. Plaintiff shall submit, within twenty-eight days from the date of this order, a  
5 completed and current affidavit in support of his request to proceed in forma pauperis on the  
6 form provided by the Clerk of Court;

7 3. The Clerk of the Court is directed to send plaintiff a new Application to  
8 Proceed In Forma Pauperis By a Prisoner; and

9 4. Plaintiff shall submit, within twenty-eight days from the date of this order, a  
10 certified copy of his prison trust account statement for the six month period immediately  
11 preceding the filing of the complaint. Plaintiff's failure to comply with this order will result in a  
12 recommendation that this action be dismissed without prejudice.

13 DATED: June 18, 2010

14 /s/ Gregory G. Hollows

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16 GREGORY G. HOLLOWES  
UNITED STATES MAGISTRATE JUDGE

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