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

ANTHONY HAMLET,

Plaintiff,

No. CIV S-10-1629 EFB P

vs.

SECRETARY OF CDCR,

Defendant.

ORDER

_____/

Plaintiff is a prisoner without counsel who, it appears, intends to seek relief for alleged civil rights violations. *See* 42 U.S.C. § 1983. However, he has not filed a complaint, nor has he paid the filing fee or filed an application for leave to proceed *in forma pauperis*.

A complaint is necessary for the commencement of a civil action and must contain a short and plain statement of plaintiff’s claim, showing that he is entitled to relief. Fed. R. Civ. P. 3; Fed. R. Civ. P. 8. Plaintiff may draft his claims on the form complaint used by this court.

To proceed with a civil action, a plaintiff must pay the \$350 filing fee required by 28 U.S.C. § 1914(a) or request leave to proceed *in forma pauperis* and submit the affidavit and trust account statement required by 28 U.S.C. § 1915(a). 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

1 account statement (or institutional equivalent) for the prisoner for the 6-month period
2 immediately preceding the filing of the complaint . . . , obtained from the appropriate official of
3 each prison at which the prisoner is or was confined.” In order to proceed, plaintiff must either
4 pay the filing fee or comply with the *in forma pauperis* statute.

5 Accordingly, it is hereby ORDERED that:

6 1. The Clerk of the Court shall send to plaintiff the form complaint and application for
7 leave to proceed in forma pauperis used in this court.

8 2. Withing 30 days of the date of this order, plaintiff shall either pay the \$350 filing fee
9 or submit a complete application for leave to proceed in forma pauperis; and

10 3. Within 30 days of the date of this order, plaintiff shall submit a complaint stating the
11 nature of the action and his belief that he is entitled to redress. Failure to comply with this order
12 will result in a recommendation that this action be dismissed.

13 DATED: July 20, 2010.

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15 EDMUND F. BRENNAN
16 UNITED STATES MAGISTRATE JUDGE
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