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

KHALID HARRISON,

Plaintiff,

No. 2: 10-cv-2659 MCE KJN P

vs.

CALIFORNIA STATE PENITENTIARY
MEDICAL CARE,

Defendant.

ORDER

_____/

By order filed October 7, 2010, plaintiff was ordered to file an in forma pauperis affidavit or pay the appropriate filing fee within thirty days. Thirty days passed and plaintiff did not respond to the October 7, 2010 order. Accordingly, on November 18, 2010 the undersigned recommended that this action be dismissed.


On November 24, 2010, plaintiff filed objections to the findings and recommendations. Plaintiff alleges that he sent the trust office an in forma pauperis form but they failed to return it. Good cause appearing, the findings and recommendations are vacated. Plaintiff is granted thirty days to file an application to proceed in forma pauperis. If plaintiff is unable to obtain a properly completed form, he shall file a declaration setting forth in detail his attempts to obtain the form including when he submitted, to whom and any response he received.

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Accordingly, IT IS HEREBY ORDERED that:

1. The November 18, 2010 findings and recommendations are vacated;
2. Plaintiff is granted thirty days to file an application to proceed in forma pauperis or, in the alternative, a declaration describing his attempts to obtain a completed application; failure to comply with this order will result in a recommendation of dismissal of this action.

DATED: December 21, 2010


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

har2659.vac