

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

GLEN W. ROBISON,

Plaintiff,

No. 2:10-cv-2954 JFM (PC)

vs.

R. HILL, Warden, et al.,

Defendants.

_____/ ORDER

Plaintiff is a state prisoner proceeding pro se. Plaintiff has commenced this action by filing a motion for a temporary restraining order and a request for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1).

Plaintiff has not filed his application for leave to proceed in forma pauperis on the form used by this district. Use of the form assists plaintiff to establish and the court to evaluate plaintiff's in forma pauperis status in light of 28 U.S.C. § 1915 (b)(1) and (2). Accordingly, plaintiff's application will be dismissed and plaintiff will be provided the opportunity to submit the application on the appropriate form.

////

////

1 In order to properly commence a civil rights action, plaintiff must file a complaint.
2 See Fed. R. Civ. P. 3. Accordingly, the Clerk of the Court will be directed to send plaintiff a
3 form civil rights complaint and accompanying instructions and plaintiff will be granted a period
4 of thirty days in which to complete and file the complaint.

5 The court views the allegations of plaintiff's motion for temporary restraining
6 order as sufficiently serious that the will request the California Attorney General to file, within
7 thirty days, an informal response to the motion. The court will also send a copy of plaintiff's
8 motion to the Receiver in Plata v. Schwarzenegger, No. C-01-1351 TEH (N.D. Cal.)

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

10 1. Plaintiff's application to proceed in forma pauperis is dismissed without
11 prejudice;

12 2. The Clerk of the Court is directed to send plaintiff a new Application to
13 Proceed In Forma Pauperis By a Prisoner and a form civil rights complaint and accompanying
14 instructions;

15 3. Plaintiff shall submit, within thirty days from the date of this order, a
16 completed application to proceed in forma pauperis and a completed complaint;

17 4. The court intends to consider plaintiff's request for temporary restraining order
18 and will consider any response submitted by the Office of the California Attorney General within
19 thirty days from the date of this order.

20 5. The Clerk of the Court is directed to serve a copy of this order and a copy of
21 plaintiff's motion for temporary restraining order and accompanying affidavit on Supervising

22 ////
23 ////
24 ////
25 ////
26 ////

1 Deputy Attorney General Monica N. Anderson, 1300 I Street, Suite 125, P.O. Box 944255,
2 Sacramento, CA 94244-2550.

3 DATED: November 9, 2010.

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


UNITED STATES MAGISTRATE JUDGE

12
robi2954.14

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

GLEN W. ROBISON,

Plaintiff,

No. 2:10-cv-2954 JFM (PC)

vs.

R. HILL,

Defendants.

NOTICE OF SUBMISSION
OF DOCUMENTS

_____ /

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

_____ completed In Forma Pauperis Application

_____ completed complaint

DATED:

Plaintiff