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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 DIOVANNI J. WHITMIRE,

No. CIV S-10-3144-CMK-P

12 Plaintiff,

13 vs.

ORDER

14 KENNETH J. LEE,

15 Defendant.
16 _____/

17 Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant
18 to 42 U.S.C. § 1983. Plaintiff has not, however, filed a complete application to proceed in forma
19 pauperis, along with a certified copy of his trust account statement for the six-month period
20 immediately preceding the filing of the complaint, or paid the required filing fee. See 28 U.S.C.
21 §§ 1914(a), 1915(a), (a)(2). Plaintiff will be provided the opportunity to submit either a
22 completed application to proceed in forma pauperis or the appropriate filing fee. Plaintiff is
23 warned that failure to resolve the fee status of this case within the time provided may result in the
24 dismissal of this action for lack of prosecution and failure to comply with court rules and orders.
25 See Local Rule 110.

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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff shall submit on the form provided by the Clerk of the Court, within 30 days from the date of this order, a complete application for leave to proceed in forma pauperis, with the required certified copy of his trust account statement, or the appropriate filing fee; and

2. The Clerk of the Court is directed to send plaintiff a new form Application to Proceed In Forma Pauperis By a Prisoner.

DATED: January 7, 2011



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE