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

DAVID REYES,

Plaintiff,

No. CIV S-11-0219 GGH P

vs.

R. MITCHELL, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. On February 23, 2011, plaintiff’s request for appointment of counsel was denied and he was ordered to file an application to proceed in forma pauperis in thirty days. Plaintiff has not filed an application to proceed in forma pauperis and has instead again requested counsel because he is incompetent and unable to file the application himself. Plaintiff has also requested a competency hearing.

Plaintiff’s request for counsel is denied for the same reasons set forth in the February 23, 2011, order. Nor is plaintiff’s competency an issue in this case for screening. If plaintiff wishes to proceed with this case he must file an application to proceed in forma pauperis and then the court will screen the complaint. Plaintiff will be granted 14 days from service of this order to file an application to proceed in forma pauperis.

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

1. Plaintiff's March 15, 2011, motion is denied;
2. Plaintiff must file an application to proceed in forma pauperis within 14 days of service of this order or the undersigned will recommend that this action be dismissed.

DATED: March 28, 2011

/s/ Gregory G. Hollows

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GREGORY G. HOLLOWES  
UNITED STATES MAGISTRATE JUDGE

GGH: AB  
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