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

PATRICK A. MARTINEZ,

Plaintiff,

No. 2:11-cv-0942 KJN P

vs.

TIM VIRGA, et al.,

Defendants.

ORDER

_____/

Plaintiff, a state prisoner proceeding without counsel, has filed a civil rights action pursuant to 42 U.S.C. § 1983, together with a request for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Plaintiff has not, however, filed his application for leave to proceed in forma pauperis on the form used by this district.¹ 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. Plaintiff is cautioned that he must also provide a certified copy of his prison trust account statement for the six month period immediately preceding the filing of his complaint.

¹ While the heading of plaintiff’s form states, “United States District Court...Eastern District of California,” this is not the form used by this court.

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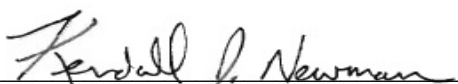
In accordance with the above, IT IS HEREBY ORDERED that:

1. Plaintiff's April 7, 2011, application to proceed in forma pauperis is dismissed without prejudice;

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

3. Plaintiff shall submit, within thirty days from the date of this order, a completed application to proceed in forma pauperis. Plaintiff's failure to comply with this order may result in the dismissal of this action without prejudice.

DATED: April 15, 2011


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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