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

10 DANIEL K. CHESTANG,  
11 TIFFANY VIGIL,

12 Plaintiffs,

No. 2:11-cv-00989-MCE-KJN PS

13 vs.

14 YAHOO INC., in official  
15 capacity,

16 Defendant.

ORDER

17 \_\_\_\_\_/  
18 Plaintiff, a prisoner proceeding without counsel or “pro se,” has filed a civil  
19 action<sup>1</sup> alleging copyright infringement by defendant Yahoo Inc. (Dkt. Nos. 2, 5) and an  
20 Application to Proceed In Forma Pauperis (the “Application”) (Dkt. No. 17) pursuant to 28  
21 U.S.C. § 1915. However, the “Certificate” portion of the Application must be filled out by  
22 plaintiff’s institution of incarceration, and that portion was not completed. (Dkt. No. 17 at 2  
23 (the “Certificate” portion on the second page of the Application is neither completed nor signed

24 \_\_\_\_\_  
25 <sup>1</sup> Plaintiff has filed two slightly different documents styled as his “Copyright  
26 Infringement Civil Law Suit”: one on April 13, 2011 (Dkt. No. 2), and one on May 10, 2011  
(Dkt. No. 5). Plaintiff may have only one operative pleading at any given time. Because these  
two filings (Dkt. Nos. 2, 5) are substantively similar, however, the court will construe the latter  
of the two to be an amended pleading. Accordingly, the filing at Docket Number 5 is deemed to  
be the currently-operative complaint.

1 by an authorized officer at plaintiff's institution of incarceration).) Also, plaintiff did not file a  
2 certified copy of his prison trust account statement for the full six month period immediately  
3 preceding the filing of the complaint. See 28 U.S.C. § 1915(a)(2).

4 An order dated June 6, 2011, provided plaintiff with a second opportunity to  
5 submit a completed Application to Proceed In Forma Pauperis and a certified copy of his prison  
6 trust account statement in support of his Application. (Dkt. No. 22.) Plaintiff filed a document  
7 he described as an "Amended" Application on June 8, 2011. (Dkt. No. 23.) Rather than correct  
8 the specific deficiencies described in the order, however, it appears that on June 8, 2011, plaintiff  
9 simply re-filed his original Application or something substantially similar to it. (Compare Dkt.  
10 No. 17 with Dkt. No. 23.) Needless to say, the Application to Proceed In Forma Pauperis that  
11 plaintiff filed on June 8, 2011, still does not include a completed "Certificate" portion (on the  
12 second page of the Application), and does not include a certified copy of plaintiff's prison trust  
13 account statement for the six months prior to the complaint's filing. See 28 U.S.C. § 1915(a)(2).  
14 Accordingly, the Application plaintiff filed on June 8, 2011, is still incomplete.

15 Plaintiff will be given one more opportunity to follow the court's orders and to  
16 provide a complete Application. Plaintiff's failure to comply with this order may result in the  
17 dismissal of this action without prejudice.

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

19 1. Within thirty days from the date of this order, plaintiff shall complete the  
20 attached Notice of Submission and submit the following documents to the court:

21 a. A complete Application to Proceed In Forma Pauperis By a Prisoner,  
22 *including a completed and signed "Certification" at the bottom of the Application's second*  
23 *page; and*

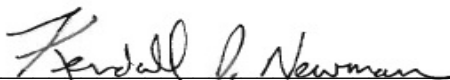
24 b. a certified copy of plaintiff's prison trust account statement for the *six*  
25 *month period* immediately preceding the filing of the complaint.

26 2. The Clerk of the Court is directed to send plaintiff a new Application to

1 Proceed In Forma Pauperis By a Prisoner; and

2 3. Plaintiff's failure to comply with this order may result in the dismissal of this  
3 action without prejudice.

4 DATED: June 21, 2011

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7 KENDALL J. NEWMAN  
8 UNITED STATES MAGISTRATE JUDGE  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL K. CHESTANG,  
TIFFANY VIGIL,

Plaintiffs,

No. 2: 11-cv-00989-MCE-KJN

vs.

YAHOO INC., in official  
capacity,

NOTICE OF SUBMISSION

Defendant.

\_\_\_\_\_ /

Plaintiff hereby submits the following document in compliance with the court's  
order filed \_\_\_\_\_:

\_\_\_\_\_

Complete Application to Proceed In Forma Pauperis  
By a Prisoner/Certified Copy of Prison Trust Account  
Statement

DATED:

\_\_\_\_\_  
Plaintiff