

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

KENNETH LEE MARTINEZ,

Plaintiff,

No. CIV S-11-1445 DAD P

vs.

DISTRICT ATTORNEY OF SAN
JOAQUIN COUNTY, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se, 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. However, the certificate portion of the request which must be completed by plaintiff's institution of incarceration has not been filled out. Also, plaintiff has not filed a certified copy of his prison trust account statement for the six month period immediately preceding the filing of the complaint. See 28 U.S.C. § 1915(a)(2). Plaintiff's incomplete application will be denied with leave to file a properly completed application to proceed in forma pauperis.

////

////

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

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's May 27, 2011 application to proceed in forma pauperis (Doc. No. 2) is denied without prejudice;

2. Plaintiff shall submit, within thirty days from the date of this order a properly completed in forma pauperis application that includes a certified copy of plaintiff's prison trust account statement for the six-month period immediately preceding the filing of the complaint in this action and a prison official's certification; plaintiff is cautioned that failure to comply with this order or seek an extension of time to do so will result in this action being dismissed without prejudice; and

3. The Clerk of the Court is directed to send plaintiff an Application to Proceed In Forma Pauperis By a Prisoner for use in a civil rights action.

DATED: June 7, 2011.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

DAD:9:mp
mart1445.3c+new