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

KEITH RUSSELL JUDD,

Plaintiff,

No. CIV S-11-1557 JAM DAD PS

vs.

SECRETARY OF STATE OF
CALIFORNIA and STATE OF
CALIFORNIA,

Defendants.

ORDER

_____ /

Plaintiff, a federal prisoner confined in a correctional institution in Texas, is proceeding pro se with a case filed as a civil rights action brought under 42 U.S.C. § 1983. The case has been referred to the undersigned pursuant to Local Rule 302(c)(21).

Plaintiff has filed an application for waiver of filing fees and costs, but has not submitted the application on a proper form. Plaintiff's application will therefore be denied, and plaintiff will be granted thirty days to submit a new application on the form provided with this order. Plaintiff is cautioned that the application form includes a section that must be completed by a correctional official, and the application must be accompanied by a certified copy of plaintiff's prison trust account statement, or institutional equivalent, that covers the six-month period immediately preceding the filing of this action.

1 Plaintiff is advised that a prisoner who brings a civil action in forma pauperis is
2 required to pay the full amount of the filing fee in installments when funds are available in his
3 prison trust account. An initial partial filing fee will be assessed if plaintiff had any deposits in
4 his account or if he had a monthly balance in the account in any month during the six months
5 preceding the filing of this case. Plaintiff's custodian will be ordered to collect fees from
6 plaintiff's account and mail them to this court in accordance with 28 U.S.C. § 1915. The
7 custodian will be required to continue sending available amounts until the \$350.00 filing fee is
8 paid in full, even if this case is closed before the full amount is paid.

9 Plaintiff is further advised that the district court is required to review a complaint
10 in a civil action in which a prisoner seeks redress from a governmental entity or officer or
11 employee of a governmental entity. 28 U.S.C. § 1915A. Thus, if plaintiff files a new in forma
12 pauperis application and the court grants the application, the court must then screen plaintiff's
13 claims against the State of California, a governmental entity, and the Secretary of State of
14 California, a governmental officer, to determine whether plaintiff has alleged a cognizable claim
15 against these defendants. If plaintiff has alleged any claims that are frivolous or malicious, fail to
16 state a claim upon which relief may be granted, or claim monetary relief from a defendant who is
17 immune from such relief, all such claims must be dismissed.

18 Plaintiff has also filed a document that purports to be a motion to transfer "all
19 similar action [sic] to the United States District Court for the Western District of Arkansas,
20 Texarkana under 28 U.S.C. § 1407 for Consolidated Pretrial Proceedings." Plaintiff, however,
21 does not provide any evidence that the district court in Arkansas has issued an order regarding
22 multidistrict litigation applicable to this case. The motion will therefore be denied.

23 Accordingly, IT IS HEREBY ORDERED that:

- 24 1. Plaintiff's June 9, 2011 motion to proceed in forma pauperis (Doc. No. 2) is
25 denied;
- 26 2. Plaintiff's June 20, 2011 motion to transfer (Doc. No. 4) is denied;

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

3 4. Plaintiff shall submit, within forty-five days from the date of this order, a
4 properly completed application to proceed in forma pauperis on the form provided with this
5 order, together with a prison trust account (or institutional equivalent) for the six-month period
6 that preceded the filing of this action; plaintiff is cautioned that failure to comply with this order
7 or seek an extension of time to do so will result in a recommendation that this action be
8 dismissed without prejudice.

9 DATED: July 5, 2011.

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12 _____
13 DALE A. DROZD
14 UNITED STATES MAGISTRATE JUDGE

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