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

FRANCOIS P. GIVENS,

Plaintiff,

No. CIV S-11-1880 GEB DAD P

vs.

GOVERNOR OF THE STATE
OF CALIFORNIA et al.,

Defendants.

ORDER

Plaintiff is a former state prisoner proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983 and has filed an application to proceed in forma pauperis under 28 U.S.C. § 1915.

Ordinarily, a prisoner-plaintiff is permitted to file a civil action in federal court without prepayment of fees if he alleges in an affidavit that he is unable to pay such fees. See 28 U.S.C. § 1915(a). However, here, plaintiff has informed the court by way of a notice of change of address that he is no longer incarcerated. For the court to assess whether plaintiff is entitled to proceed IFP, he must apply to proceed IFP under the general provisions of 28 U.S.C. § 1915(a)(1). Accordingly, the court will provide plaintiff with an opportunity to submit a non-prisoner affidavit in support of his request to proceed in forma pauperis or the required filing fee (\$350.00).

1 Plaintiff has also requested leave to use the court's electronic filing system, CM-
2 ECF. See Local Rule 133(b). Before the court will rule on plaintiff's motion, he is required to
3 file a declaration signed under penalty of perjury stating that he has investigated this court's
4 electronic filing requirements, has all necessary hardware and software, and will comply with all
5 requirements concerning electronic filing in this court. General information is available on the
6 following website: <http://www.uscourts.gov/>. For additional information, plaintiff may contact
7 Keith Holland, Operations Manager for the United States District Court for the Eastern District
8 of California, at (916) 930-4078.

9 Plaintiff is cautioned that if the court grants his request, he must immediately
10 register to file documents electronically through ECF. See Local Rule 101 (defining "E-Filing
11 Registration"). "E-Filing registration also acts as a consent to service by electronic means during
12 the course of an action." Id. Thus, if plaintiff is granted leave to file electronically, he must file
13 all documents in this case electronically, and all court orders and documents filed by defendant
14 will be served on plaintiff electronically. Until plaintiff has been granted leave to use electronic
15 filing, his communication with the court must be by means of paper documents filed in
16 accordance with Local Rule 133.

17 If plaintiff files a satisfactory declaration in which he agrees to comply with the
18 court's requirements for electronic filing, the undersigned will grant plaintiff's request.

19 Accordingly, IT IS HEREBY ORDERED that:

20 1. Within thirty days from the date of service of this order, plaintiff shall submit a
21 non-prisoner affidavit in support of his request to proceed in forma pauperis or the required filing
22 fee (\$350.00). Plaintiff is cautioned that failure to comply with this order or seek an extension of
23 time to do so will result in a recommendation that this action be dismissed without prejudice;

24 2. The Clerk of the Court is directed to send plaintiff a copy of the non-prisoner
25 in forma pauperis form used by this district; and

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3. Within thirty days from the date of service of this order, plaintiff shall submit in paper format the declaration described in the text of this order if he wishes to agree to the court's requirements for electronic filing.

DATED: October 11, 2011.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

DAD:9
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