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

FELIX COLON,

Plaintiff,

No. CIV S-11-2407 GGH P

vs.

R. MIRANDA, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has also filed a motion for a preliminary injunction. Plaintiff has not, however, filed an in forma pauperis affidavit or paid the required filing fee. See 28 U.S.C. §§ 1914(a), 1915(a). Plaintiff will be provided the opportunity either to submit the appropriate affidavit in support of a request to proceed in forma pauperis or to submit the appropriate filing fee.

In his complaint and preliminary injunction, plaintiff states that he was transferred to High Desert State Prison on November 18, 2009. At that time plaintiff was being prescribed Tramedol to treat a spinal injury. Plaintiff states that a few weeks later he was taken off Tramedol and instead prescribed Tylenol. A little more than one year later, on January 11, 2011, plaintiff requested to be again prescribed Tramedol but this request was denied by defendants.

1 Plaintiff states he is in a great deal of pain as a result.

2 Due to the concerns plaintiff raises, the court will direct a response from the  
3 Attorney General in 14 days. The court is cognizant of the demands placed upon prison officials  
4 and the Attorney General by having to respond to seriatim preliminary injunction motions,  
5 however, the court will entertain the preliminary injunction motion in this case.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. The Attorney General must respond to plaintiff's motion for preliminary  
8 injunctive relief, within fourteen days;

9 2. The Clerk of the Court is directed to send a copy of the complaint (Doc. 1), a  
10 copy of plaintiff's motion for preliminary injunction (Doc. 2) and a copy of this order upon  
11 Monica Anderson, Supervising Deputy Attorney General,;

12 3. In addition, the Clerk of the Court is directed to send a copy of the complaint  
13 (Doc. 1), a copy of plaintiff's motion for preliminary injunction (Doc. 2) and a copy of this order  
14 upon defendant Chief Medical Executive Dorothy Swingle, High Desert State Prison, 475-750  
15 Rice Canyon Road, P.O. 750, Susanville, CA 96127.

16 4. Plaintiff shall submit, within thirty days from the date of this order, an affidavit  
17 in support of his request to proceed in forma pauperis on the form provided by the Clerk of  
18 Court, or the appropriate filing fee; plaintiff's failure to comply with this order will result in the  
19 dismissal of this action; and

20 5. The Clerk of the Court is directed to send plaintiff a new Application to  
21 Proceed In Forma Pauperis By a Prisoner.

22 DATED: September 22, 2011

23 /s/ Gregory G. Hollows  
24 UNITED STATES MAGISTRATE JUDGE

25 GGH: AB  
26 colo2407.pi