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

MICHAEL LYNN WATERS,

Plaintiff,

No. CIV S-11-2510 JAM DAD P

vs.

L. DAVEY, et al.,

ORDER

Defendants.

\_\_\_\_\_ /

Plaintiff is a state prisoner at California State Prison - Sacramento and has filed two motions seeking a preliminary injunction and a motion seeking release from lockdown. No other pleadings have been filed by the plaintiff. In order to commence an action, plaintiff must file a complaint as required by Rule 3 of the Federal Rules of Civil Procedure, and plaintiff must either pay the required filing fee or file an application requesting leave to proceed in forma pauperis. See 28 U.S.C. §§ 1914(a), 1915(a). The court will not issue any orders granting or denying relief until an action has been properly commenced. Therefore, plaintiff's motions will be denied without prejudice. Plaintiff will be ordered to file his complaint and to submit an application requesting leave to proceed in forma pauperis or to submit the appropriate filing fee.

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

2 1. Plaintiff's September 22, 2011 and March 8, 2012 motions for preliminary  
3 injunction (Docs. No. 1 & 5) are denied without prejudice;

4 2. Plaintiff's March 28, 2012 motion seeking release from lockdown (Doc. No. 6)  
5 is denied without prejudice;

6 3. Within thirty days from the service of this order, plaintiff shall file a complaint  
7 that complies with the requirements of the Civil Rights Act, the Federal Rules of Civil  
8 Procedure, and the Local Rules of Practice; the complaint must bear the docket number assigned  
9 this case and plaintiff must use the form complaint provided by the Clerk of the Court;

10 4. Within thirty days from the service of this order, plaintiff shall file an  
11 application to proceed in forma pauperis on the form provided by the Clerk of the Court, or  
12 submit the filing fee in the amount of \$350.00;

13 5. Plaintiff's failure to comply with this order will result in a recommendation  
14 that this action be dismissed; and

15 6. The Clerk of the Court is directed to provide plaintiff with the court's form  
16 complaint for filing a civil rights action, and the application to proceed in forma pauperis by a  
17 prisoner.

18 DATED: May 9, 2012.

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22 DALE A. DROZD  
23 UNITED STATES MAGISTRATE JUDGE

21 DAD:4  
22 wat2510.nocomp