

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

GARY T. CARRILLO,

Plaintiff,

No. CIV S-12-1077 KJM DAD P

vs.

TIM V. VIRGA,

Defendant.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se, has filed a letter with the court complaining about unspecified prison officials at CSP-Sacramento allegedly tampering with his legal mail. Plaintiff has not filed any other pleadings.

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.¹ 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. Plaintiff will be provided the opportunity to file his complaint

////

¹ If leave to file in forma pauperis is granted, plaintiff will still be required to pay the filing fee but will be allowed to pay it in installments.

1 and to submit an application requesting leave to proceed in forma pauperis or to submit the
2 appropriate filing fee.

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

4 1. Plaintiff is granted thirty days from the date of service of this order to file a
5 complaint that complies with the requirements of the Civil Rights Act, the Federal Rules of Civil
6 Procedure, and the Local Rules of Practice; the complaint must bear the docket number assigned
7 this case. Plaintiff shall also submit, within thirty days from the date of this order, the
8 application to proceed in forma pauperis on the form provided by the Clerk of Court or the filing
9 fee in the amount of \$350.00. Plaintiff's failure to comply with this order will result in a
10 recommendation that this matter be dismissed; and

11 2. The Clerk of the Court is directed to send plaintiff the court's form for filing a
12 civil rights action and the application to proceed in forma pauperis by a prisoner.

13 DATED: May 9, 2012.

14
15 
16 _____
17 DALE A. DROZD
18 UNITED STATES MAGISTRATE JUDGE

18 DAD:9:kly
19 carr1077.nocompl