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

ROBERT VASQUEZ,

Plaintiff,

No. 2:12-cv-2562 JAM CKD P

vs.

STATE OF CALIFORNIA, et al.,

Defendants.

ORDER

_____/

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. On December 3, 2012, the undersigned recommended that this action be dismissed without prejudice due to plaintiff's failure to file a completed application to proceed in forma pauperis on the form used by this district. (Dkt. No. 18.)

On December 27, 2012, plaintiff filed an untitled assortment of documents, including an inmate trust account statement. (Dkt. No. 19 at 7.) However, plaintiff did not submit the certificate portion of the in forma pauperis application, which must be filled out and signed by an authorized prison official. See 28 U.S.C. § 1915(a)(2). Because plaintiff made some attempt to apply for in forma pauperis status, the court will vacate its recommendation of dismissal and plaintiff will be provided another opportunity to submit a fully completed application to proceed in forma pauperis.

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

1. The December 3, 2012 recommendation that this action be dismissed without prejudice (Dkt. No. 18) is hereby vacated;

2. The Clerk of the Court shall provide plaintiff with another copy of the in forma pauperis application used by this court; and

3. Plaintiff shall submit, within thirty days from the date of this order, a fully completed in forma pauperis application. Plaintiff's failure to comply with this order will result in a recommendation that this action be dismissed without prejudice.

Dated: January 24, 2013



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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