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

TREMAYNE D. CARROLL,

Plaintiff,

No. 2:12-cv-2584 GEB DAD P

vs.

EDMUND G. BROWN, et al.,

Defendants.

ORDER

_____ /

By an order filed October 23, 2012, plaintiff was ordered to file a properly completed application to proceed in forma pauperis within thirty days and was cautioned that his failure to do so, or his seeking of an extension of time to do so, would result in a recommendation that this action be dismissed. The thirty day period expired and plaintiff did not respond in any way to the to the court’s order nor did he file a properly completed in forma pauperis application. For that reason, on December 10, 2012, this court issued findings and recommendations recommending that this action be dismissed without prejudice.

On December 26, 2012, plaintiff filed a motion for appointment of counsel and for waiver of the requirement that he file an in forma pauperis application. Therein, plaintiff contends that prison officials have not been responsive to his request for a copy of his prison trust account statement or in forma pauperis forms. For the reasons set forth in this court’s October

1 23, 2012 order denying plaintiff's first motion for appointment of counsel, the present motion for
2 appointment of counsel will also be denied. The court will, however, vacate the December 10,
3 2012 findings and recommendations and give plaintiff an additional period of thirty days in
4 which to file a complete application to proceed in forma pauperis.

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

- 6 1. The findings and recommendations filed December 10, 2012 are vacated;
- 7 2. Plaintiff's December 26, 2012 motion for appointment of counsel and for
8 waiver of IFP (Doc. No. 6) is denied;
- 9 3. The Clerk of the Court is directed to send plaintiff the court's form Application
10 to Proceed In Forma Pauperis by a Prisoner;
- 11 4. Plaintiff is granted thirty days from the date of this order in which to file a
12 complete in forma pauperis application; and
- 13 5. The Clerk of the Court is directed to serve a copy of plaintiff's December 26,
14 2012 motion (Doc. No. 6) and this order on Supervising Deputy Attorney General Monica N.
15 Anderson.

16 DATED: January 11, 2013.

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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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21 carr12cv2584.vac
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