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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRANDON PEREZ,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTOINS AND
REHABILITATION,

Defendant.

No. 2: 12-cv-2654 KJN P

ORDER

Plaintiff, a state prisoner proceeding without counsel, has filed a civil rights action pursuant to 42 U.S.C. § 1983. On October 31, 2012, the court dismissed plaintiff’s in forma pauperis application because the certificate portion of the request was not completed by plaintiff’s institution. Plaintiff also had not filed a certified copy of his prison trust account statement for the six month period preceding the filing of his complaint. See 28 U.S.C. § 1915(a)(2). The court granted plaintiff thirty days to file a properly completed in forma pauperis application and a certified copy of his trust account statement.

Thirty days passed and plaintiff did not respond to the October 31, 2012 order. Accordingly, on December 13, 2012, this action was dismissed and judgment was entered.

On March 5, 2013, plaintiff filed a motion for reconsideration of the December 5, 2013 order and an amended complaint. The court construes the motion for reconsideration as a request

1 for relief from judgment pursuant to Federal Rule Civil Procedure 60(b). In this request, plaintiff
2 states that he failed to comply with the October 31, 2012 order due to the negligence of prison
3 staff and the retirement of Correctional Counselor Lane. Plaintiff states that he is sending the
4 trust account office a request to complete his in forma pauperis application and a request for a
5 copy of his trust account statement. Attached to plaintiff's March 5, 2013 pleading is a copy of
6 an Inmate/Parolee Request form signed by plaintiff on February 19, 2013 requesting these
7 documents.

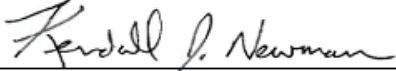
8 Good cause appearing, plaintiff's request for relief from judgment is granted. However,
9 the court has still not received a properly completed in forma pauperis application and trust
10 account statement from plaintiff.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. Plaintiff's motion for reconsideration (ECF No. 8), construed as a request for relief
13 from judgment, is granted; this action is reopened; and
- 14 2. Plaintiff is granted thirty days to file a properly completed in forma pauperis
15 application and trust account statement; if plaintiff fails to file these documents within
16 that time, this action will be dismissed.

17 Dated: October 22, 2013

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE