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

C.D. ALSTON,

Plaintiff,

No. CIV 2:12-cv-2865-GEB-AC (PS)

vs.

CITY OF SACRAMENTO, SACRAMENTO  
CITY POLICE DEP'T,

Defendants.

ORDER

\_\_\_\_\_/

Plaintiff is proceeding in this action pro se. Plaintiff seeks relief pursuant to and has requested authority pursuant to 28 U.S.C. § 1915 to proceed in forma pauperis. This proceeding was referred to this court by Local Rule 72-302(c)(21).

Plaintiff has submitted the affidavit required by § 1915(a) showing that plaintiff is unable to prepay fees and costs or give security for them. Accordingly, the request to proceed in forma pauperis will be granted. 28 U.S.C. § 1915(a).

The federal in forma pauperis statute authorizes federal courts to dismiss a case if the action is legally “frivolous or malicious,” fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2).

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In this case, the docket reflects that plaintiff has not filed a complaint. While she has filed a motion for temporary restraining order, which was denied by the Honorable Garland E. Burrell, Jr. on November 28, 2012, this action may not proceed without an operative complaint. Accordingly, plaintiff will be granted thirty days to file a complaint.

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

- 1. Plaintiff's application to proceed in forma pauperis is granted;
- 2. Plaintiff is granted thirty days from the date of service of this order to file a complaint that complies with the requirements of the Federal Rules of Civil Procedure, and the Local Rules of Practice. Failure to file a complaint will result in a recommendation that this action be dismissed.

DATED: December 3, 2012.

\_\_\_\_\_/s/\_\_\_\_\_  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE

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