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

JAMES H. McGEE,

Plaintiff,

No. 2:13-cv-0173 KJN P

vs.

UNKNOWN,

Defendant.

ORDER

_____ /

Plaintiff, a state prisoner at Mule Creek State Prison, has filed a letter. No other pleadings have been filed by plaintiff. 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 also 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 a complaint, and to submit an application requesting leave to proceed in forma pauperis or to submit the appropriate filing fee.

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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 Plaintiff is informed that his current allegations, as set forth in his letter, must be
2 administratively exhausted through the prison inmate appeals process before they can be
3 actionable in federal court. 42 U.S.C. § 1997e(a); Booth v. Churner, 532 U.S. 731, 741 (2001);
4 Woodford v. Ngo, 548 U.S. 81, 85-86 (2006).

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

6 1. Plaintiff is granted thirty (30) days from the date of service of this order to:

7 a. Request that this action be closed; or

8 b. File a complaint that complies with the requirements of the Civil Rights Act,
9 the Federal Rules of Civil Procedure, and the Local Rules of Practice; the complaint must bear
10 the docket number assigned this case; plaintiff must file an original and two copies of the
11 complaint.


12 2. Should plaintiff chose to file a complaint in this action, he must, at the same
13 time, submit the required filing fee (\$350.00), or an application to proceed in forma pauperis.

14 3. Failure to comply with this order will result in the dismissal of this action
15 without prejudice.

16 4. The Clerk of the Court is directed to send plaintiff the court's form for filing a
17 civil rights action, and an application to proceed in forma pauperis by a prisoner.

18 SO ORDERED.

19 DATED: February 5, 2013

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21 
22 KENDALL J. NEWMAN
23 UNITED STATES MAGISTRATE JUDGE

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