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

ANTHONY R. MEDINA,

Plaintiff,

No. 2:13-cv-0458 EFB P

vs.

BARACK OBAMA, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner proceeding without counsel. He has filed documents with the court using the form to be used by a prisoner in filing a complaint under the Civil Right Act, 42 U.S.C. § 1983.

To proceed with a civil action a plaintiff must pay the \$350 filing fee required by 28 U.S.C. § 1914(a) or request leave to proceed *in forma pauperis* and submit the affidavit and trust account statement required by 28 U.S.C. § 1915(a). Plaintiff has neither paid the fee nor submitted a proper application for leave to proceed in forma pauperis. Plaintiff has 30 days to either pay the fee or file a proper application.

In addition, plaintiff must submit a proper complaint, as the complaint he has filed is not signed, and contains allegations pertaining only to a “previous lawsuit,” and not to the instant action. *See* Dckt. No. 1. Rule 11 of the Federal Rules of Civil Procedure requires that “[e]very

1 pleading, written motion, and other paper . . . be signed by at least one attorney of record in the  
2 attorney's name—or by a party personally if the party is unrepresented.” Fed. R. Civ. P. 11(a).  
3 And pursuant to Rule 8 of the Federal Rules of Civil Procedure, a complaint must include “a  
4 short and plain statement of the claim” showing entitlement to relief. Fed. R. Civ. P. 8(a)(2). To  
5 properly commence a civil action, plaintiff must file a signed complaint. Fed. R. Civ. P. 3.

6 Until plaintiff submits a proper complaint and either pays the filing fee or meets the  
7 requirements of 28 U.S.C. § 1915(a), there simply is no case before the court.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. The Clerk of the Court is directed to mail to plaintiff a form application for leave to  
10 proceed in forma pauperis and a form for filing a civil rights action under 42 U.S.C. § 1983.

11 2. Plaintiff has 30 days from the date of service of this order to submit either the filing  
12 fee or the application required by § 1915(a).

13 3. Plaintiff has 30 days from the date of service of this order to submit a complaint.

14 4. Failure to comply with this order will result in this action being dismissed.

15 DATED: March 19, 2013.

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17 EDMUND F. BRENNAN  
18 UNITED STATES MAGISTRATE JUDGE  
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