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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMIASEN DRAKE,  
  
Plaintiff,  
  
v.  
  
CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION, et al.,  
  
Defendants.

No. 2:13-cv-1022 LKK KJN P

ORDER

Plaintiff is a state prisoner proceeding without counsel. On July 23, 2013, the undersigned recommended that this action be dismissed based on plaintiff's failure to comply with this court's June 11, 2013 order. On August 8, 2013, plaintiff filed objections stating that he has been placed in administrative segregation, deprived of his legal materials, and that his June 30, 2013 request for law library access has been ignored. Plaintiff claims that without access to the law library, he is unable to obtain legal forms, duplicating services, or in forma pauperis processing.

Plaintiff is advised that there are procedures in place to enable plaintiff to access his legal materials and obtain other materials while he is housed in administrative segregation, particularly when plaintiff is facing a court deadline. Plaintiff must avail himself of those procedures, including seeking additional assistance from prison officials if he does not receive a timely response. The June 30, 2013 request did not inform prison officials that plaintiff had a court


1 deadline, and was mailed rather than presented to a prison official for processing. This action  
2 cannot proceed until plaintiff either pays the filing fee or submits a properly-completed  
3 application to proceed in forma pauperis.

4 In light of plaintiff's filing, the court will vacate the findings and recommendations, direct  
5 the Clerk of the Court to provide plaintiff with an application to proceed in forma pauperis, and  
6 grant plaintiff an extension of time in which to comply with this court's June 11, 2013 order.

7 Good cause appearing, IT IS HEREBY ORDERED that:

- 8 1. The July 23, 2013 findings and recommendations (ECF No. 7) are vacated;
- 9 2. Plaintiff is granted thirty days from the date of this order in which to comply with this  
10 court's June 11, 2013 order; and
- 11 3. The Clerk of the Court is directed to send plaintiff an application to proceed in forma  
12 pauperis by a prisoner.

13 Dated: August 14, 2013

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16 KENDALL J. NEWMAN  
17 UNITED STATES MAGISTRATE JUDGE

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