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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THURMAN LEROY SPENCER,
Plaintiff,
v.
TIMOTHY VIRGA,
Defendants.

No. 2:13-cv-1626 AC P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983 together with a request for leave to proceed in forma pauperis (“IFP”) pursuant to 28 U.S.C. § 1915. On August 20, 2013, the court ordered plaintiff to submit, within 30 days, a completed affidavit in support of his motion to proceed in forma pauperis and a certified copy of his prison trust account statement for the six month period immediately preceding the filing of his August 7, 2013 complaint. See 28 U.S.C. § 1915(a)(2). He was granted a sua sponte extension of time to comply with this order on September 27, 2013. ECF No. 7. To date, plaintiff has not filed the required affidavit or prison trust account statement. However, on November 6, 2013 plaintiff filed a notice indicating that he sent the prison trust account statement to the Accounting Office at the California Health Care Facility where he is currently housed. ECF No. 9. The court will construe this notice as a request for an extension of time to comply with this court’s August 19, 2013 order. So construed, the request will be granted. Plaintiff will be provided one last

1 opportunity to submit the completed application and the prison trust account statement.

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

3 1. Plaintiff shall submit, within thirty days from the date of this order, a completed
4 affidavit in support of his request to proceed in forma pauperis on the form previously
5 provided by the Clerk of Court and a certified copy of his prison trust account
6 statement for the six month period immediately preceding the filing of his August 7,
7 2013 complaint. Plaintiff's failure to comply with this order will result in a
8 recommendation that this action be dismissed without prejudice.

9 DATED: November 19, 2013

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11 ALLISON CLAIRE
12 UNITED STATES MAGISTRATE JUDGE
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