

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM D. FARLEY,
Plaintiff,
v.
T. VIRGA, et al.,
Defendants.

No. 2:13-cv-1751 KJN P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. On August 29, 2013, plaintiff was directed to pay the filing fee or submit an application to proceed in forma pauperis. Plaintiff has now filed a request for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Plaintiff has not, however, filed a certified copy of his prison trust account statement for the six month period immediately preceding the filing of the complaint and obtained the certification required on the application form. See 28 U.S.C. § 1915(a)(2). On November 19, 2013, plaintiff was directed to submit the completed application and the certified copy in support of his application to proceed in forma pauperis within thirty days.

On December 24, 2013, plaintiff filed a response to the court’s November 19 order. (ECF No. 14.) Plaintiff states that he has “done everything to get the above listed forms, and the officers and staff at this prison refuse to send me the completed forms or to even respond back to

1 the requested forms and/or even the court orders which [he] sent with the forms.” (ECF No. 14 at
2 1.) Plaintiff further states that since the courts will not help him, he “will probably have to take
3 [his] life.” (ECF No. 14 at 2.)

4 Review of plaintiff’s complaint confirms that on October 29, 2013, plaintiff advised
5 prison staff member Guzman that he needed a certified trust statement for federal court. (ECF
6 No. 11 at 6.) On November 13, 2013, plaintiff noted that he was having problems getting the
7 form signed and obtaining the certified trust statement due to “counselors and trust office
8 personnel not wanting or allowing the correct process to be completed.” (ECF No. 10 at 2.)

9 Good cause appearing, plaintiff is granted an extension of time to comply with this court’s
10 November 19, 2013 order. In addition, the Clerk of the Court is directed to serve a copy of this
11 order on the Litigation Coordinator at California State Prison, Sacramento, P.O. Box 290002,
12 Represa, California 95671. The Litigation Coordinator is asked to assist plaintiff in obtaining the
13 certified trust account statement required for plaintiff to proceed with this action.

14 In an abundance of caution, the court will direct the Clerk of the Court to serve
15 Supervising Deputy Attorney General Monica Anderson with plaintiff’s December 24, 2013
16 motion due to concerns regarding plaintiff’s mental health status.

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


18 1. Plaintiff is granted thirty days from the date of this order in which to comply with the
19 court’s November 19, 2013 order.

20 2. The Litigation Coordinator at California State Prison, Sacramento, is asked to assist
21 plaintiff in obtaining the signature and the certified trust account statement required for plaintiff
22 to proceed with this action.

23 3. The Clerk of the Court is directed to serve a copy of plaintiff’s December 24, 2013
24 response, and a copy of the instant order, on Supervising Deputy Attorney General Monica
25 Anderson, and the Litigation Coordinator at California State Prison, Sacramento, P.O. Box
26 290002, Represa, California 95671.

27 Dated: January 2, 2014

28 /far11751.3e2


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE