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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 at California State Prison-Sacramento, has filed a motion for injunctive relief. No other pleadings have been filed by the 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 either 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.² Therefore,

¹ If leave to file in informa pauperis is granted, plaintiff will still be required to pay the filing fee but will be allowed to pay it in installments.

² In the motion for injunctive relief, signed by plaintiff on August 21, 2013, plaintiff alleges that he was sexually battered by prison officials on five occasions between February 2013 and August 2013. Plaintiff also alleges that he was physically battered by officers in May 2013 and now requires surgery as a result of the injuries he suffered from that beating. As relief, plaintiff seeks medical care and a transfer to Patton State Hospital, Napa State Hospital or the Oklahoma Department of Corrections, and access to the law library. However, because plaintiff waited for

1 plaintiff's motion will be denied without prejudice. Plaintiff will be provided the opportunity to
2 file his complaint, and to submit an application requesting leave to proceed in forma pauperis or
3 to submit the appropriate filing fee.


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

5 1. Plaintiff's motion for injunctive relief (ECF No. 1) is denied without prejudice;

6 2. Plaintiff is granted thirty days from the date of service of this order to file a complaint
7 that complies with the requirements of the Civil Rights Act, the Federal Rules of Civil Procedure,
8 and the Local Rules of Practice; the complaint must bear the docket number assigned this case;
9 plaintiff must file an original and two copies of the complaint. Plaintiff shall also submit, within
10 thirty days from the date of this order, the application to proceed in forma pauperis on the form
11 provided by the Clerk of Court, or the filing fee in the amount of \$350.00. Plaintiff's failure to
12 comply with this order will result in a recommendation that this matter be dismissed; and

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

15 Dated: August 29, 2013

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KENDALL J. NEWMAN
18 UNITED STATES MAGISTRATE JUDGE

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28 some time to bring the alleged incidents to the courts attention and does not name any individual
defendants, plaintiff is directed to file a complaint containing his claims.