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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	THOMAS REED,	No. 2:13-cv-1811-JAM-EFB P
12	Plaintiff,	
13	v.	<u>ORDER</u>
14	UNKNOWN,	
15	Defendant.	
16		
17	Plaintiff is a state prisoner proceeding without counsel in an action brought under 42	
18	U.S.C. § 1983. He has filed a letter directed to the "deputy clerk" claiming that he has been	
19	threatened by prison staff and requesting help. ECF No. 1. As discussed below, plaintiff has not	
20	properly commenced a civil action.	
21	A complaint is necessary for the commencement of a civil action and must contain a short	
22	and plain statement of plaintiff's claim, showing that he is entitled to relief. Fed. R. Civ. P. 3;	
23	Fed. R. Civ. P. 8. Plaintiff may draft his claims on the form complaint used by this court.	
24	To proceed with a civil action, a plaintiff must pay the \$400 filing fee required by 28	
25	U.S.C. § 1914(a) or request leave to proceed in forma pauperis and submit the affidavit and trust	
26	account statement required by 28 U.S.C. § 1915(a). Section 1915(a)(2) requires "a prisoner	
27	seeking to bring a civil action without prepayment of fees or security therefor, in addition to filing	
28	the affidavit filed under paragraph (1), shall s	
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1	account statement (or institutional equivalent) for the prisoner for the 6-month period	
2	immediately preceding the filing of the complaint , obtained from the appropriate official of	
3	each prison at which the prisoner is or was confined." In order to proceed, plaintiff must either	
4	pay the filing fee or comply with the in forma pauperis statute.	
5	Until plaintiff submits a complaint and either pays the filing fee or meets the requirements	
6	of 28 U.S.C. § 1915(a), there simply is no case before the court.	
7	Accordingly, it hereby is ORDERED that:	
8	1. The Clerk of the Court shall send to plaintiff the form complaint and application for	
9	leave to proceed in forma pauperis used in this court.	
10	2. Within 30 days of the date of this order, plaintiff shall either pay the \$400 filing fee or	
11	submit a complete application for leave to proceed in forma pauperis; and	
12	3. Within 30 days of the date of this order, plaintiff shall submit a complaint stating the	
13	nature of the action and his belief that he is entitled to redress. Failure to comply with this order	
14	may result in a recommendation that this action be dismissed.	
15	DATED: September 26, 2013.	
16	Elmind F. Bilm	
17	EDMUND F. BRENNAN UNITED STATES MAGISTRATE JUDGE	
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