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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MAURICE VAN BUREN,
Plaintiff,
v.
DOUGLAS ECKGAURD,
Defendant.

No. 2:13-cv-01916 TLN DAD P

ORDER

Plaintiff, a civil detainee at the Napa State Hospital and proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. On September 23, 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. See 28 U.S.C. § 1915(a)(2). Plaintiff will be provided the opportunity to submit the completed application and the certified copy in support of his application to proceed in forma pauperis.

In the court's September 23, 2013 order, plaintiff was also granted leave to file an amended complaint within thirty days. On October 30, 2013, plaintiff belatedly filed his amended complaint. In light of plaintiff's efforts to comply with the court's order, the findings and recommendations issued on October 22, 2013, recommending that this action be dismissed

1 due to plaintiff's failure to comply with the court's September 23, 2014 order will be vacated.

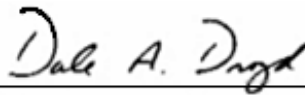
2 In accordance with the above, IT IS HEREBY ORDERED that:

3 1. The findings and recommendations, filed on October 22, 2013 (ECF No. 4), are
4 vacated.

5 2. Plaintiff shall submit, within thirty days from the date of this order, a certified copy of
6 his prison trust account statement for the six month period immediately preceding the filing of the
7 complaint. Plaintiff's failure to comply with this order will result in a recommendation that this
8 action be dismissed without prejudice.

9 3. The Clerk of the Court is directed to send plaintiff a new Application to Proceed In
10 Forma Pauperis By a Prisoner.

11 Dated: May 5, 2014



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13 _____
14 DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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