

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

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

EDWIN VALENCIA,

No. 2:13-cv-2068-CMK-P

Plaintiff,

vs.

ORDER

RON BARNES,

Defendant.

_____ /

Plaintiff, a prisoner proceeding pro se, initiated this action by filing a motion for a temporary restraining order and a preliminary injunction. In order to commence an action, plaintiff must file a complaint as required by Rule 3 of the Federal Rules of Civil Procedure. Further, plaintiff has not filed a complete application to proceed in forma pauperis, along with a certified copy of his trust account statement for the six-month period immediately preceding the filing of the complaint, or paid the required filing fee. See 28 U.S.C. §§ 1914(a), 1915(a), (a)(2). The court will not issue any orders granting or denying relief until an action has been properly commenced. Therefore, plaintiff's motion will be denied without prejudice.

///

///

1 Plaintiff will be provided the opportunity to file his complaint, and to submit
2 either a completed application to proceed in forma pauperis or the appropriate filing fee.
3 Plaintiff is warned that failure to file an appropriate complaint and resolve the fee status of this
4 case within the time provided may result in the dismissal of this action for lack of prosecution
5 and failure to comply with court rules and orders. See Local Rule 110.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. Plaintiff's motion for a temporary restraining order (Doc. 1) is denied
8 without prejudice;

9 2. Plaintiff shall file a complaint that complies with the requirements of the
10 Civil Rights Act, the Federal Rules of Civil Procedure, and the Local Rules within thirty days of
11 the date of this order;

12 3. Plaintiff shall further submit on the form provided by the Clerk of the
13 Court, within 30 days from the date of this order, a complete application for leave to proceed in
14 forma pauperis, with the required certified copy of his trust account statement, or the appropriate
15 filing fee; and

16 4. The Clerk of the Court is directed to send plaintiff a new form Application
17 to Proceed In Forma Pauperis By a Prisoner and the court's form for filing a civil rights action.

18
19 DATED: April 10, 2014

20 
21 **CRAIG M. KELLISON**
22 UNITED STATES MAGISTRATE JUDGE
23
24
25
26