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

HORACE THOMAS,
aka HORACE BELL,
Plaintiff,

No. 2:14-cv-0108-GEB-CMK-P

vs.

ORDER

W. HANKS,
Defendant.

_____ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. 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). Plaintiff will be provided the opportunity to submit either a completed application to proceed in forma pauperis or the appropriate filing fee.¹ Plaintiff is warned that

¹ It appears plaintiff may be barred from proceeding in forma pauperis in the federal courts. See 28 U.S.C. § 1915(g). This court has determined plaintiff has filed at least three cases which were dismissed for failure to state a claim. See e.g., Bell v. Stiles, et, No.1:12-cv-1925-MJS (Doc. 9, 12). However, as there is no pending application before the court, it would be premature to evaluate this issue. Plaintiff is cautioned, however, that if he wishes to proceed in this action in forma pauperis, he will be required he show he was “under imminent danger of

1 failure to resolve the fee status of this case within the time provided may result in the dismissal
2 of this action for lack of prosecution and failure to comply with court rules and orders. See Local
3 Rule 110.

4 Accordingly, IT IS HEREBY ORDERED that:

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

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

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12 DATED: May 13, 2014

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14 **CRAIG M. KELLISON**
15 UNITED STATES MAGISTRATE JUDGE

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25 serious physical injury” at the time he filed this action in order to avoid the dismissal of this case.
26 It does not appear from the allegations set forth in the complaint that he will be able to meet this
requirement. One incident nearly a year before the action was filed would not appear to meet the
standard required.