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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LARRY F. DURDEN,  
Plaintiff,  
v.  
EL DORADO COUNTY SHERIFF'S  
DEPARTMENT,  
Defendants.

No. 2:14-cv-0477 DAD P

ORDER

Plaintiff, a former state prisoner, has filed with the court an incomprehensible document styled as an "Affidavit." Out of an abundance of caution, the Clerk of the Court opened this civil rights action in response to this filing. However, no other pleadings have been filed with the court 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.<sup>1</sup> See 28 U.S.C. §§ 1914(a), 1915(a)(1). The court will not issue any orders granting or denying relief until an action has been properly commenced. Plaintiff will be provided the opportunity to file his complaint, and to

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

1 submit an application requesting leave to proceed in forma pauperis or to submit the appropriate  
2 filing fee (\$350.00 plus a \$50.00 administrative fee).

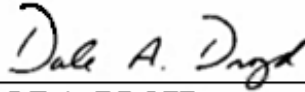
3 In accordance with the above, IT IS HEREBY ORDERED that:

4 1. Plaintiff is granted thirty days from the date of service of this order to file a complaint  
5 that complies with the requirements of the Civil Rights Act, the Federal Rules of Civil Procedure,  
6 and the Local Rules of Practice; the complaint must bear the docket number assigned this case.

7 Plaintiff shall also submit, within thirty days from the date of this order, the application to  
8 proceed in forma pauperis on the form provided by the Clerk of Court, or the filing fee in the  
9 amount of \$400.00. Plaintiff's failure to comply with this order will result in a recommendation  
10 that this matter be dismissed; and

11 2. The Clerk of the Court is directed to send plaintiff a copy of the non-prisoner in forma  
12 pauperis form used by this district.

13 Dated: February 28, 2014

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16 DALE A. DROZD  
17 UNITED STATES MAGISTRATE JUDGE

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19 durd0477.nocompl

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