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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONALD LEE CANADA,
Plaintiff,
v.
UNKNOWN,
Defendant.

No. 2:14-cv-1716-EFB P

ORDER

Ronald Lee Canada is a state prisoner proceeding without counsel. This action was opened when he filed a letter directed to United States District Judge Lawrence K. Karlton and titled it a "Complaint." ECF No. 1. He has not, however, properly commenced a civil action.

A complaint is necessary for the commencement of a civil action. Fed. R. Civ. P. 3. A complaint must contain a short and plain statement of the plaintiff's claim, showing that he is entitled to relief. Fed. R. Civ. P. 8. It must also contain a caption including the names of all defendants. Fed. R. Civ. P. 10(a). Mr. Canada may draft his intended claims for relief and identify the intended defendant or defendants on the form complaint used by this court.

In addition, a plaintiff must pay the \$400 filing fee required by 28 U.S.C. § 1914(a) or request leave to proceed in forma pauperis and submit the affidavit and trust account statement required by 28 U.S.C. § 1915(a). Section 1915(a)(2) requires "a prisoner seeking to bring a civil action without prepayment of fees or security therefor, in addition to filing the affidavit filed

1 under paragraph (1), shall submit a certified copy of the trust fund account statement (or
2 institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing
3 of the complaint . . . , obtained from the appropriate official of each prison at which the prisoner
4 is or was confined.” To proceed with a civil action, Mr. Canada must either pay the filing fee or
5 comply with the requirements set forth in the in forma pauperis statute.

6 Until Mr. Canada submits a complaint and either pays the filing fee or meets the
7 requirements of 28 U.S.C. § 1915(a), there simply is no case before the court.

8 Accordingly, it hereby is ORDERED that:

9 1. The Clerk of the Court shall send to Mr. Canada the form complaint and application for
10 leave to proceed in forma pauperis used in this court;

11 2. Within 30 days of the date of this order, Mr. Canada shall either pay the \$400 filing fee
12 or submit a complete application for leave to proceed in forma pauperis; and

13 3. Within 30 days of the date of this order, Mr. Canada shall submit a complaint stating
14 the nature of the action and his belief that he is entitled to redress. Failure to comply with this
15 order may result in this case being closed.

16 DATED: July 28, 2014.

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18 EDMUND F. BRENNAN
19 UNITED STATES MAGISTRATE JUDGE

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