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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

WAYNE GOLDEN,  
Plaintiff,  
v.  
HIGH DESERT STATE PRISON, et al.,  
Defendants.

No. 2:14-cv-1923 KJN P

ORDER

Plaintiff, a state prisoner at High Desert State Prison has filed a letter seeking to be removed from High Desert State Prison. No other pleadings have been filed 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). The court will not issue any orders granting or denying relief until an action has been properly commenced. Therefore, plaintiff's motion for transfer is denied without prejudice. Plaintiff is provided the opportunity to file his complaint, and to submit an application requesting leave to proceed in forma pauperis or to submit the appropriate filing fee.

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<sup>1</sup> If leave to file 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           However, in plaintiff's filing, he claims that he has no teeth, and that despite being  
2 provided a pureed diet for ten years, he has been moved to housing where he is no longer  
3 provided pureed food. Plaintiff claims that he has been unable to eat since August 13, 2014,  
4 which places his life in danger. Accordingly, the Supervising Deputy Attorney General is  
5 requested to check on plaintiff and, within seven days from the date of this order, report the status  
6 of his ability to eat.

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

8           1. Plaintiff's August 18, 2014 motion for transfer (ECF No. 1) is denied without  
9 prejudice;


10           2. Plaintiff is granted thirty days from the date of service of this order to file a complaint  
11 that complies with the requirements of the Civil Rights Act, the Federal Rules of Civil Procedure,  
12 and the Local Rules of Practice; the complaint must bear the docket number assigned this case;  
13 plaintiff must file an original and two copies of the complaint. Plaintiff shall also submit, within  
14 thirty days from the date of this order, the application to proceed in forma pauperis on the form  
15 provided by the Clerk of Court, or the filing fee in the amount of \$400.00.<sup>2</sup> Plaintiff's failure to  
16 comply with this order will result in a recommendation that this matter be dismissed;

17           3. The court requests that Deputy Supervising Attorney Monica Anderson check on  
18 plaintiff and, within seven days from the date of this order, report the status of his ability to eat;  
19 and

20           4. The Clerk of the Court is directed to send plaintiff the court's form for filing a civil  
21 rights action, and the application to proceed in forma pauperis by a prisoner, and to send a copy  
22 of this order to Monica Anderson, Supervising Deputy Attorney General.

23 Dated: August 25, 2014

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25 gold1923.noc

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

26  
27 <sup>2</sup> The \$400.00 is comprised of the \$350.00 filing fee and a \$50.00 administrative fee. If plaintiff  
28 is granted leave to proceed in forma pauperis, plaintiff is not required to pay the \$50.00  
administrative fee.