1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 No. 2:14-cv-2127-EFB P ADRIAN LORENZANA, 12 Plaintiff, 13 **ORDER** v. 14 UNKNOWN, 15 Defendant. 16 17 Adrian Lorenzana is a county inmate proceeding without counsel. He has filed a request for a form complaint used by prisoners in actions filed under 42 U.S.C. § 1983. ECF No. 1. He 18 19 has not properly commenced a civil action. 20 A complaint is necessary for the commencement of a civil action. Fed. R. Civ. P. 3. A 21 complaint must contain a short and plain statement of the plaintiff's claim, showing that he is 22 entitled to relief. Fed. R. Civ. P. 8. It must also contain a caption including the names of all 23 defendants. Fed. R. Civ. P. 10(a). Mr. Lorenzana may draft his claims on the form complaint 24 used by this court. 25 In addition, a plaintiff must pay the \$400 filing fee required by 28 U.S.C. § 1914(a) or 26 request leave to proceed in forma pauperis and submit the affidavit and trust account statement 27 required by 28 U.S.C. § 1915(a). Section 1915(a)(2) requires "a prisoner seeking to bring a civil 28 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 institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint . . . , obtained from the appropriate official of each prison at which the prisoner is or was confined." To proceed with a civil action, Mr. Lorenzana must either pay the filing fee or comply with the requirements set forth in the in forma pauperis statute.

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

Accordingly, it hereby is ORDERED that:

- 1. The Clerk of the Court shall send to Mr. Lorenzana the form complaint and application for leave to proceed in forma pauperis used in this court.
- 2. Within 30 days of the date of this order, Mr. Lorenzana shall either pay the \$400 filing fee or submit a complete application for leave to proceed in forma pauperis; and
- 3. Within 30 days of the date of this order, Mr. Lorenzana shall submit a complaint stating the nature of the action and his belief that he is entitled to redress. Failure to comply with this order may result in dismissal.

DATED: October 14, 2014.

EDMUND F. BRENNAN

UNITED STATES MAGISTRATE JUDGE