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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

EDWARD JAMES SERVIN,  
Plaintiff,  
v.  
CALIFORNIA DEPARTMENT OF  
CORRECTIONS, et al.,  
Defendants.

No. 2:14-cv-2999 JAM AC P

ORDER

Plaintiff, a California state prisoner proceeding pro se, has filed a complaint seeking declaratory and injunctive relief against the California Department of Corrections (“CDCR”), CDCR Secretary J. Beard, CDCR Chief Counsel B. Rice, and Folsom State Prison Warden R. Rackley. ECF No. 1.

By order dated January 15, 2015, the court construed plaintiff’s complaint as a civil rights action<sup>1</sup> pursuant to 42 U.S.C. § 1983 and directed plaintiff to pay the \$400 filing fee or submit an application to proceed in forma pauperis within 30 days of the date of the order. ECF No. 5. In response, plaintiff filed a document entitled “Plaintiff’s Objections to Reclassification of

<sup>1</sup> Although the complaint is extremely vague, the exhibit attached to the complaint suggests that plaintiff seeks to enjoin defendants from transferring him to an out of state prison. See ECF No. 1, Exh. A at 13 (letter to plaintiff from defendant Warden Rackley).

1 Declaratory Judgment,”<sup>2</sup> ECF No. 6, but did not file an in forma pauperis affidavit or pay the  
2 required filing fees totaling \$400.00.

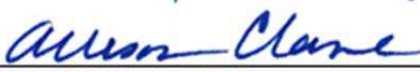
3 Plaintiff will be given one final opportunity to submit the appropriate affidavit in support  
4 of a request to proceed in forma pauperis or pay the required filing fee of \$350.00 plus the \$50.00  
5 administrative fee.<sup>3</sup> See 28 U.S.C. §§ 1914(a), 1915(a). Plaintiff is cautioned that failure to pay  
6 the filing fees or submit an application to proceed in forma pauperis will result in a  
7 recommendation that this action be dismissed.

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

9 1. Plaintiff shall submit, within thirty days from the date of this order, an affidavit in  
10 support of his request to proceed in forma pauperis on the form provided by the Clerk of Court, or  
11 the required fees in the amount of \$400.00; plaintiff’s failure to comply with this order will result  
12 in a recommendation that this action be dismissed; and

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

15 DATED: June 17, 2015

16   
17 ALLISON CLAIRE  
18 UNITED STATES MAGISTRATE JUDGE  
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25 <sup>2</sup> In his objections, plaintiff asserts that he did not file a § 1983 civil rights action and instead  
26 purports to bring his claim for declaratory and injunctive relief under the Declaratory Judgment  
27 Act, 28 U.S.C. §§ 2201-2202. ECF No. 6.

28 <sup>3</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. Litigants proceeding in forma pauperis are not  
required to pay the \$50.00 administrative fee.