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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROCHELLE WESTON, et al.,
Plaintiffs,
v.
KRISTIN CRUZ, et al.,
Defendants.

No. 2:15-cv-0239 CKD P

ORDER

Plaintiffs Ms. Weston and Ms. Howze commenced this action on January 28, 2015. They have both consented to have all matters in this action before a United States Magistrate Judge. See 28 U.S.C. § 636. It appears Ms. Weston is incarcerated while Ms. Howze is not. Because the rules in this court concerning incarcerated litigants are materially different than the rules concerning persons who are not incarcerated, Ms. Weston and Ms. Howze may not proceed together in the same action. Ms. Weston will proceed in this action. Ms. Howze will be dismissed from this action, but may pursue a second action if she so desires.

Ms. Weston has filed a request to proceed in forma pauperis. However, the certificate portion of the request which must be completed by plaintiff's institution of incarceration has not been filled out. Also, plaintiff has not filed a certified copy of her prison trust account statement for the last six months. See 28 U.S.C. § 1915(a)(2). Plaintiff will be provided the opportunity to

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1 submit a completed in forma pauperis application and a certified copy of her trust account
2 statement in support of her application.

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

4 1. Plaintiff Howze is dismissed from this action.

5 2. Plaintiff Weston's motion to proceed in forma pauperis (ECF No. 2) is denied without
6 prejudice.

7 3. The Clerk of the Court is directed to send plaintiff Weston a new Application to
8 Proceed In Forma Pauperis By a Prisoner.

9 4. Plaintiff Weston shall submit, within thirty days from the date of this order, a
10 completed application to proceed in forma pauperis on the form provided by the Clerk of Court.

11 5. Plaintiff Weston must submit a certified copy of her prison trust account statement for
12 the preceding six months with her application to proceed in forma pauperis.

13 6. Plaintiff's Weston's failure to comply with this order will result in dismissal of this
14 action.

15 Dated: March 17, 2015



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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