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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DOUGLAS MACKENZIE,
Plaintiff,
v.
DEBRA M. CORNEZ,
Defendant.

No. 2:15-cv-0380 KJN P

ORDER

Plaintiff, a civil detainee at Coalinga State Hospital proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983, together with an application for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Plaintiff has not, however, filed his application for leave to proceed in forma pauperis on the form used by this district. Plaintiff correctly asserts in his filed application (ECF No. 2) that as a civil detainee, he is not subject to the Prison Litigation Reform Act’s financial reporting requirements, and therefore need not submit a certified copy of his prisoner trust fund account statement for the past six months. See Page v. Torrey, 201 F.3d 1136 (9th Cir. 2000). Nevertheless, plaintiff is still required to complete the remaining portions of the court’s form Application to Proceed In Forma Pauperis By a Prisoner so that the court may properly evaluate his ability to pay the required filing fee. Accordingly, plaintiff’s application will be dismissed and plaintiff will be provided the opportunity to submit the application on the appropriate form.

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In accordance with the foregoing, IT IS HEREBY ORDERED that:

1. Plaintiff's application to proceed in forma pauperis (ECF No. 2) is dismissed without prejudice;

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

3. Plaintiff shall submit, within thirty days from the date of this order, a completed application to proceed in forma pauperis, except that plaintiff need not submit a certified copy of his prisoner trust fund account statement for the past six months. Plaintiff's failure to comply with this order will result in a recommendation that this action be dismissed without prejudice.

Dated: March 2, 2015

/mack0380.3d


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE