

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LAMAR SINGLETON, Sr.,
Plaintiff,
v.
DR. FORTUNE, et al.,
Defendant

No. 2:15-cv-0783 KJN P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983 and a request for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. By order dated April 21, 2015, the court ordered plaintiff to file, within thirty days, a request for leave to proceed in forma pauperis on the form used by this district. (ECF No. 3.) On May 1, 2015, plaintiff filed a handwritten reply in which he asks the court to request a copy of his prison trust account statement on his behalf because, according to plaintiff, the prison trust office is delaying its response to his requests, and because he fears retaliation. (ECF No. 4.)

Plaintiff is advised that the court cannot, at this time, request his prison trust account statement for him. Plaintiff has, to date, failed to file his application for leave to proceed in forma pauperis on the form used by this district. The court also notes that plaintiff had nearly three weeks' time remaining in which to respond to the court's prior order. Accordingly, the court cannot be certain that plaintiff would have been unable to obtain the required certification and

1 statement in that time.

2 Plaintiff's application will therefore be dismissed and plaintiff will be provided the
3 opportunity to submit the application on the appropriate form. Plaintiff is cautioned that he must
4 also provide a certified copy of his prison trust account statement for the six month period
5 immediately preceding the filing of his complaint.

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

7 1. Plaintiff's application to proceed in forma pauperis (ECF No. 4) is dismissed without
8 prejudice.

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

11 3. Plaintiff shall submit, within thirty days from the date of this order, a completed
12 application to proceed in forma pauperis. Plaintiff's failure to comply with this order will result
13 in a recommendation that this action be dismissed without prejudice.

14 Dated: May 12, 2015

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16 KENDALL J. NEWMAN
17 UNITED STATES MAGISTRATE JUDGE

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