1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 BOBBY DIXON, No. 2:15-cv-1464-EFB P 12 Plaintiff. 13 **ORDER** v. 14 CA MEDICAL FACILITY, 15 Defendant. 16 17 Bobby Dixon is a state prisoner proceeding without counsel. This action was opened on 18 November 19, 2013, when he submitted to the court a letter addressed to the Honorable Thelton 19 E. Henderson regarding prison conditions. ECF No. 1. 20 On July 8, 2015, before transferring the action to this court, the United States District 21 Court for the Northern District of California informed Mr. Dixon that if he wished to pursue this 22 action (based upon his conditions of confinement at the California Medical Facility), he must file 23 a proper complaint and in forma pauperis application. ECF No. 9. 24 Indeed, a complaint is necessary for the commencement of a civil action. Fed. R. Civ. P. 25 3. A complaint must contain a short and plain statement of the plaintiff's claim, showing that he 26 is entitled to relief. Fed. R. Civ. P. 8. It must also contain a caption including the names of all 27 defendants. Fed. R. Civ. P. 10(a). Mr. Dixon may draft his claims on the form complaint used by 28 this court. 1

In addition, a plaintiff must pay the \$400 filing fee required by 28 U.S.C. § 1914(a) or request leave to proceed in forma pauperis and submit the affidavit and trust account statement required by 28 U.S.C. § 1915(a). Section 1915(a)(2) requires "a prisoner seeking to bring a civil action without prepayment of fees or security therefor, in addition to filing the affidavit filed 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. Dixon must either pay the filing fee or comply with the requirements set forth in the in forma pauperis statute.

Until Mr. Dixon 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. Dixon 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. Dixon 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. Dixon 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: July 15, 2015.

EDMUND F. BRENNAN

UNITED STATES MAGISTRATE JUDGE

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