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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

11 TONY BLACKMAN,
12 Plaintiff,
13 v.
14 K. LAVALEUR, et al.,
15 Defendants.
No. 2:15-cv-1484-EFB P
ORDER

17 Tony Blackman is a state prisoner proceeding without counsel. This action was opened
18 when he submitted to the court a one-page “Notice Due to 69 Defendants ‘Obstructing Justice,’”
19 along with several attachments. ECF No. 1. Mr. Blackman has not properly commenced a civil
20 action.

21 A complaint is necessary for the commencement of a civil action. Fed. R. Civ. P. 3. A
22 complaint must contain a short and plain statement of the plaintiff's claim, showing that he is
23 entitled to relief. Fed. R. Civ. P. 8. It must also contain a caption including the names of all
24 defendants. Fed. R. Civ. P. 10(a). Mr. Blackman may draft his claims on the form complaint
25 used by this court.

26 In addition, a plaintiff must pay the \$400 filing fee required by 28 U.S.C. § 1914(a) or
27 request leave to proceed in forma pauperis and submit the affidavit and trust account statement
28 required by 28 U.S.C. § 1915(a). Section 1915(a)(2) requires “a prisoner seeking to bring a civil

1 action without prepayment of fees or security therefor, in addition to filing the affidavit filed
2 under paragraph (1), shall submit a certified copy of the trust fund account statement (or
3 institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing
4 of the complaint . . . , obtained from the appropriate official of each prison at which the prisoner
5 is or was confined.” To proceed with a civil action, Mr. Blackman must either pay the filing fee
6 or comply with the requirements set forth in the in forma pauperis statute.

7 Until Mr. Blackman submits a complaint and either pays the filing fee or meets the
8 requirements of 28 U.S.C. § 1915(a), there simply is no case before the court.

9 Accordingly, it hereby is ORDERED that:

10 1. The Clerk of the Court shall send to Mr. Blackman the form complaint and application
11 for leave to proceed in forma pauperis used in this court;

12 2. Within 30 days of the date of this order, Mr. Blackman shall either pay the \$400 filing
13 fee or submit a complete application for leave to proceed in forma pauperis; and

14 3. Within 30 days of the date of this order, Mr. Blackman shall submit a complaint stating
15 the nature of the action and his belief that he is entitled to redress. Failure to comply with this
16 order may result in dismissal.

17 DATED: July 22, 2015.



18 EDMUND F. BRENNAN
19 UNITED STATES MAGISTRATE JUDGE
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