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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL LENOIR SMITH,
Plaintiff,
v.
DARREN ALBEE, et al.,
Defendants.

No. 2:15-cv-1598 KJN P

ORDER

By order filed July 29, 2015, plaintiff was directed to pay the \$400.00 filing fee or file a completed in forma pauperis affidavit, within thirty days. On August 31, 2015, plaintiff filed a letter stating that he mailed his request to proceed in forma pauperis to the inmate trust account office at Corcoran State Prison, but that “no counselor has appeared to receive the self-addressed stamped envelope to mail said affidavit, which is provided to the counselor by CSP inmate trust account prison personnel upon verification.” (ECF No. 4.) Plaintiff claims he is “still waiting for prison officials to do their jobs.” (Id.)

Plaintiff is advised that this action cannot proceed until he pays the filing fee or submits a completed application to proceed in forma pauperis and prison trust account statement which are certified by prison officials. Plaintiff must follow up with prison officials to ensure that the required documents are submitted to the court. Failure to provide these documents will result in the dismissal of this action. Fed. R. Civ. P. 41(b). In an abundance of caution, plaintiff is granted


1 an extension of time in which to submit the appropriate documents. However, failure to comply
2 with this order will result in the dismissal of this action.

3 IT IS HEREBY ORDERED that:

4 1. Plaintiff is granted thirty days from the date of this order in which to pay the filing fee
5 or submit a completed in forma pauperis affidavit on the form used by this district, along with a
6 certified copy of his prison trust account statement for the six month period immediately
7 preceding the filing of the complaint. Plaintiff's failure to comply with this order will result in
8 the dismissal of this action without prejudice. Fed. R. Civ. P. 41(b).

9 2. The Clerk of the Court is directed to send plaintiff an application to proceed in forma
10 pauperis by a prisoner.

11 Dated: September 17, 2015

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14 KENDALL J. NEWMAN
15 UNITED STATES MAGISTRATE JUDGE

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