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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GERROD HERNDON,  
Petitioner,  
v.  
THE POLICE DEPARTMENT,  
Respondent.

No. 2:15-cv-2419 MCE KJN P

ORDER

Petitioner is a county inmate, proceeding pro se. By order filed December 4, 2015, petitioner was directed to submit an affidavit to proceed in forma pauperis or pay the filing fee within thirty days. On December 17, 2015, petitioner filed an application to proceed in forma pauperis, but failed to have the certificate portion completed by prison officials. (ECF No. 6 at 2.)

Moreover, on December 28, 2015, petitioner filed a document that reads as follows:

["Has no further argument"].  
"Suspend judgment to further information.  
Case closed.  
please  
thank you.


(ECF No. 7 at 2.)

1           Petitioner's recent filing is unclear. If he wishes to voluntarily dismiss his case, he should  
2 request simply that the court dismiss the case. But if petitioner intends to pursue this action, he  
3 must submit a completed application to proceed in forma pauperis that includes the certification  
4 by prison officials. Petitioner is granted an extension of time in which to advise the court how he  
5 wishes to proceed. If petitioner intends to proceed with this action, his response must be  
6 accompanied by a completed application to proceed in forma pauperis that includes the  
7 certification by prison officials. If petitioner seeks to dismiss this action, he must file a request  
8 that the court dismiss his case. Petitioner is cautioned that if he fails to respond to this order, the  
9 undersigned will recommend that his action be dismissed based on his failure to provide a  
10 completed application to proceed in forma pauperis.

11           Accordingly, IT IS HEREBY ORDERED that:

- 12           1. Petitioner's application (ECF No. 6) is denied without prejudice to submission of a  
13 completed application to proceed in forma pauperis;
- 14           2. Petitioner is granted thirty days in which to submit (a) a completed application to  
15 proceed in forma pauperis; or (b) a request to voluntarily dismiss this action; and
- 16           3. The Clerk of the Court is directed to send petitioner a copy of the in forma pauperis  
17 form used by this district.

18 Dated: January 6, 2016

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21 KENDALL J. NEWMAN  
22 UNITED STATES MAGISTRATE JUDGE

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