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| 8  | UNITED STATES DISTRICT COURT  |                        |
| 9  | FOR THE EASTERN DISTRICT OF CALIFORNIA  |                        |
| 10 |   |                        |
| 11 | ARMANDO GIL,  | No. 2:16-cv-0587 KJN P |
| 12 | Plaintiff,  |                        |
| 13 | V.  | <u>ORDER</u>           |
| 14 | S. SPALDING, et al.,  |                        |
| 15 | Defendants.   |                        |
| 16 |   |                        |
| 17 | Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42               |                        |
| 18 | U.S.C. § 1983. Plaintiff has not, however, filed an in forma pauperis affidavit or paid the                 |                        |
| 19 | required filing fee of \$350.00 plus the \$50.00 administrative fee. <sup>1</sup> See 28 U.S.C. §§ 1914(a), |                        |
| 20 | 1915(a). Therefore, plaintiff will be provided the opportunity either to submit the appropriate             |                        |
| 21 | affidavit in support of a request to proceed in forma pauperis or to submit the required fees               |                        |
| 22 | totaling \$400.00.  |                        |
| 23 | Plaintiff is cautioned that the in forma pauperis application form includes a section that                  |                        |
| 24 | must be completed by a prison official, and the form must be accompanied by a certified copy of             |                        |
| 25 | plaintiff's prison trust account statement for the six-month period immediately preceding the               |                        |
| 26 |   |                        |
| 27 | but will be allowed to pay it in installments. Litigants proceeding in forma pauperis are not               |                        |
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| 1  | filing of this action.   |  |
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| 2  | In accordance with the above, IT IS HEREBY ORDERED that:   |  |
| 3  | 1. Plaintiff shall submit, within thirty days from the date of this order, an affidavit in             |  |
| 4  | support of his request to proceed in forma pauperis on the form provided by the Clerk of Court, or     |  |
| 5  | the required fees in the amount of \$400.00; plaintiff's failure to comply with this order will result |  |
| 6  | in a recommendation that this action be dismissed; and   |  |
| 7  | 2. The Clerk of the Court is directed to send plaintiff a new Application to Proceed In                |  |
| 8  | Forma Pauperis By a Prisoner.  |  |
| 9  | Dated: April 4, 2016   |  |
| 10 | Ferdal Property  |  |
| 11 | KENDALL J. NEWMAN  |  |
| 12 | gil0587.3a UNITED STATES MAGISTRATE JUDGE  |  |
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