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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEVEN LEE MORTENSON,
Plaintiff,
v.
BUTTE COUNTY JAIL,
Defendant.

No. 2:16-cv-1628-EFB P

ORDER

On July 21, 2016, the court ordered plaintiff to 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) within thirty days. ECF No. 4. The thirty day period expired, and plaintiff had not responded to the court’s order and had not filed an in forma pauperis application or paid the appropriate filing fee. Accordingly, on August 30, 2016, the court dismissed this action without prejudice. ECF No. 6. Plaintiff now seeks relief from the judgment. ECF No. 8.

In his motion, plaintiff informs the court that the Butte County Jail, where he is currently confined, does not provide certified trust account statements. He does not, however, explain his failure to submit a request for leave to proceed in forma pauperis or the required affidavit. He was ordered to submit such an application if he did not pay the filing fee and he has not shown any justification for that failure. This action was appropriately dismissed without prejudice, and the instant motion fails to justify relief from judgment.

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Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for relief from judgment (ECF No. 8) is denied.

DATED: April 19, 2017.



EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE