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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KARIMI SUTTON,  
Plaintiff,  
v.  
G. GIESSNER, et al.,  
Defendants.

No. 2:16-cv-2369-KJM-EFB P

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On February 23, 2018, the court recommended that this case be dismissed after plaintiff failed to pay the filing fee or seek leave to proceed in forma pauperis. ECF No. 7. On March 12, 2018, plaintiff filed an application for leave to proceed in forma pauperis.<sup>1</sup>

Accordingly, IT IS HEREBY ORDERED that the February 23, 2018 findings and recommendations (ECF No. 7) are withdrawn and the Clerk is directed to request plaintiff's Certified Prison Trust account statement from the California Department of Corrections and Rehabilitation. Upon receipt of the statement, the court will address plaintiff's application for leave to proceed in forma pauperis.

Dated: March 14, 2018.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE

<sup>1</sup> He also stated that his friend had paid the \$400 filing fee, but this is not reflected on the court's docket. ECF No. 8.