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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TODD ROBBEN,  
  
  Plaintiff,  
  
  v.  
  
EL DORADO COUNTY, et al.,  
  
  Defendants.

No. 2:16-cv-2697 MCE KJN P

ORDER

Plaintiff is an El Dorado County inmate, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has filed an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. On November 28, 2016, plaintiff was directed to file a completed application to proceed in forma pauperis, as well as a certified jail trust account statement for the last six months. On December 5, 2016, plaintiff renewed his motion to proceed in forma pauperis, and included a letter stating the court needs to issue an order directing the El Dorado County Sheriff to sign the certificate and provide the trust account statement because jail officials refuse to sign the form or produce any more printouts of plaintiff's transactions.

Title 28 U.S.C. § 1915(a)(2) provides that applications to proceed in forma pauperis made by prisoners shall include a certified copy of the trust fund account statement for the prisoner for the 6 month period immediately preceding the filing of the complaint. In support of his

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1 application, plaintiff did not include a copy of his jail trust fund account statement for the six  
2 month period preceding the filing of the complaint.

3 As discussed above, plaintiff is required to submit a trust fund account statement for the  
4 six month period immediately preceding the filing of the complaint with his application to  
5 proceed in forma pauperis.

6 No defendants have been served in this action. Usually, persons or entities not parties to  
7 an action are not subject to orders for injunctive relief. Zenith v. Radio Corp. v. Hazeltine  
8 Research, Inc., 395 U.S. 100 (1969). However, the fact that one is not a party does not  
9 automatically preclude the court from acting. The All Writs Act, 28 U.S.C. § 1651(a), permits  
10 the court to issue writs “necessary and appropriate in aid of their jurisdiction and agreeable to the  
11 usages and principles of law.” See generally S.E.C. v. G.C. George Securities, Inc., 637 F.2d 685  
12 (9th Cir. 1981); United States v. New York Telephone Co., 434 U.S. 159 (1977). This section  
13 does not grant the court plenary power to act in any way it wishes; rather, the All Writs Act is  
14 meant to aid the court in the exercise and preservation of its jurisdiction. Plum Creek Lumber  
15 Company v. Hutton, 608 F.2d 1283, 1289 (9th Cir. 1979).

16 The undersigned is concerned that plaintiff will not be able to proceed with this action,  
17 and the court may lose jurisdiction, if El Dorado County Jail officials do not provide him with the  
18 trust account statement required by 28 U.S.C. § 1915. The undersigned also observes that the  
19 portion of plaintiff’s in forma pauperis application requiring certification by jail officials is not  
20 filled out. (ECF No. 5 at 2.) It is unclear why the certification is not completed. Accordingly,  
21 pursuant to the All Writs Act, the El Dorado County Sheriff is ordered to file a status report  
22 addressing plaintiff’s ability to obtain the trust account statement required by 28 U.S.C.  
23 § 1915(a)(2). The Sheriff shall also address plaintiff’s ability to obtain a completed certification  
24 form, as discussed above.

25 Accordingly, IT IS HEREBY ORDERED that:

26 1. Within fourteen days of the date of this order, the El Dorado County Sheriff shall file  
27 the status report discussed above;

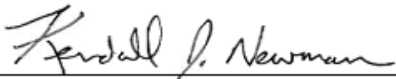
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2. The Clerk of the Court is directed to serve a copy of this order and plaintiff's application to proceed in forma pauperis (ECF No. 5) on the El Dorado County Sheriff, 1360 Johnson Blvd., #100, South Lake Tahoe, CA 96150; and

3. The Clerk of the Court is directed to serve a copy of this order and plaintiff's application to proceed in forma pauperis (ECF No. 5) on the El Dorado County Counsel, 300 Fair Lane, Placerville, CA 95667.

Dated: December 23, 2016

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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