1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 RONALD LEE CANADA, No. 2:17-cv-0066 DB P 12 Plaintiff. 13 v. **ORDER** 14 MACOMBER, et al., 15 Defendants. 16 17 Plaintiff is a state prisoner proceeding pro se. Plaintiff appears to seek relief pursuant to 18 42 U.S.C. § 1983 and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 19 1915. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 20 636(b)(1). 21 Plaintiff has submitted a declaration that makes the showing required by 28 U.S.C. 22 § 1915(a). Accordingly, the request to proceed in forma pauperis will be granted. 23 Plaintiff is required to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. 24 §§ 1914(a), 1915(b)(1). By this order, plaintiff will be assessed an initial partial filing fee in 25 accordance with the provisions of 28 U.S.C. § 1915(b)(1). By separate order, the court will direct 26 the appropriate agency to collect the initial partial filing fee from plaintiff's trust account and 27 forward it to the Clerk of the Court. Thereafter, plaintiff will be obligated for monthly payments 28 of twenty percent of the preceding month's income credited to plaintiff's prison trust account. 1

1 These payments will be forwarded by the appropriate agency to the Clerk of the Court each time 2 the amount in plaintiff's account exceeds \$10.00, until the filing fee is paid in full. 28 U.S.C. 3 § 1915(b)(2). 4 In orders filed January 13, 2017 and February 24, 2017, plaintiff was informed that he 5 must file a complaint if he wishes to proceed in this case. Plaintiff was provided a copy of the 6 court's form for a section 1983 complaint. While plaintiff has submitted the forms to proceed in 7 forma pauperis, he has not filed a complaint. Plaintiff will be given one final opportunity to do 8 so. Plaintiff is warned that if he fails to file a complaint, this case will be dismissed. 9 In accordance with the above, IT IS HEREBY ORDERED that: 10 1. Plaintiff's request for leave to proceed in forma pauperis (ECF No. 18) is granted. 11 2. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. Plaintiff 12 is assessed an initial partial filing fee in accordance with the provisions of 28 U.S.C. 13 § 1915(b)(1). All fees shall be collected and paid in accordance with this court's order to the 14 Director of the California Department of Corrections and Rehabilitation filed concurrently 15 herewith. 16 3. Within thirty days of the date of this order, plaintiff shall file a complaint on the form 17 used by this district. As plaintiff was advised previously, the complaint must bear the docket 18 number assigned this case and plaintiff must file an original and two copies of the complaint. If 19 plaintiff fails to file a complaint, this case will be dismissed without prejudice. 20 4. The Clerk of the Court is directed to send plaintiff the court's form for filing a civil 21 rights action. 22 DATED: May 15, 2017 23 24 /s/ DEBORAH BARNES UNITED STATES MAGISTRATE JUDGE 25 26 27 DLB:9

DLB1/prisoner-civil rights/cana0066.1

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