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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 JUSTIN BRACKEN,

No. 2:17-cv-00189 AC

12 Plaintiff,

13 v.

ORDER

14 UNKNOWN,

15 Defendant.
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17 Plaintiff, a state prisoner at Salinas Valley State Prison, has filed a notice that he has been
18 assaulted and is in fear for his “life and safety.” ECF No. 1. No other pleadings have been filed
19 by the plaintiff. Plaintiff has not named any defendants. In order to commence an action,
20 plaintiff must file a complaint as required by Rule 3 of the Federal Rules of Civil Procedure, and
21 plaintiff must either pay the required filing fee or file an application requesting leave to proceed
22 in forma pauperis.¹ See 28 U.S.C. §§ 1914(a), 1915(a). The court will not issue any orders
23 granting or denying relief until an action has been properly commenced. Plaintiff will be
24 provided the opportunity to file his complaint, and to submit an application requesting leave to
25 proceed in forma pauperis or to submit the appropriate filing fee.

26 If plaintiff chooses to file a complaint, he is advised that the federal venue statute provides

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28 ¹ If leave to file in forma pauperis is granted, plaintiff will still be required to pay the filing fee
but will be allowed to pay it in installments.

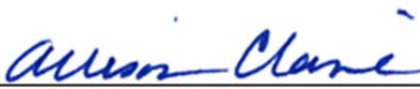
1 that a civil action “may be brought in (1) a judicial district in which any defendant resides, if all
2 defendants are residents of the State in which the district is located, (2) a judicial district in which
3 a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part
4 of property that is the subject of the action is situated, or (3) if there is no district in which an
5 action may otherwise be brought as provided in this action, any judicial district in which any
6 defendant is subject to the court’s personal jurisdiction with respect to such action.” 28 U.S.C. §
7 1391(b).

8 In accordance with the above, IT IS HEREBY ORDERED that:

9 1. Plaintiff is granted thirty days from the date of service of this order to file a complaint
10 that complies with the requirements of the Civil Rights Act, the Federal Rules of Civil Procedure,
11 and the Local Rules of Practice; the complaint must bear the docket number assigned this case;
12 plaintiff must file an original and two copies of the complaint. Plaintiff shall also submit, within
13 thirty days from the date of this order, the application to proceed in forma pauperis on the form
14 provided by the Clerk of Court, or the filing fee in the amount of \$400.00.² Plaintiff’s failure to
15 comply with this order will result in a recommendation that this matter be dismissed; and

16 2. The Clerk of the Court is directed to send plaintiff the court’s form for filing a civil
17 rights action, and the application to proceed in forma pauperis by a prisoner.

18 DATED: January 30, 2017

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20 ALLISON CLAIRE
21 UNITED STATES MAGISTRATE JUDGE
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27 ² The \$400.00 is comprised of the \$350.00 filing fee and a \$50.00 administrative fee. If plaintiff
28 is granted leave to proceed in forma pauperis, plaintiff is not required to pay the \$50.00
administrative fee.