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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SAMORY MCQUEEN,
Plaintiff,
v.
STATE OF CALIFORNIA, et al.,
Defendants.

No. 2:17-cv-0378 AC P

ORDER

On February 21, 2017, plaintiff, while a state prisoner at California State Prison, Los Angeles County (CSP-LAC), under the authority of the California Department of Corrections and Rehabilitation (CDCR), filed a motion for temporary restraining order and appointment of counsel.¹ Plaintiff has filed no other documents or pleadings.

In order to commence an action, plaintiff must file a complaint as required by Rule 3 of the Federal Rules of Civil Procedure, and must either pay the filing fee or obtain leave to proceed

¹ CSP-LAC is located in the United States District Court for the Central District of California. This court temporarily refrains from transferring this case to the Central District for two reasons: (1) It is not clear that the alleged conduct set forth in plaintiff’s motion took place at CSP-LAC; and (2) Review of CDCR’s Inmate Locator website appears to indicate that plaintiff is no longer incarcerated. See <http://inmatelocator.cdcr.ca.gov/search.aspx>; see also Fed. R. Evid. 201 (court may take judicial notice of facts that are capable of accurate determination by sources whose accuracy cannot reasonably be questioned). Should plaintiff file additional documents in this case, the court will consider whether transfer is appropriate.

1 in forma pauperis. See 28 U.S.C. §§ 1914(a), 1915(a). This court may not issue any orders
2 granting or denying relief until an action has been properly commenced. Therefore, plaintiff's
3 pending motion will be denied without prejudice. Plaintiff will be provided the opportunity to
4 file a complaint, and to submit the appropriate filing fee or an application for leave to proceed in
5 forma pauperis.

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

7 1. Plaintiff's motion filed February 21, 2017, ECF No. 1, is denied without prejudice.

8 2. Plaintiff shall, within thirty days after service of this order:

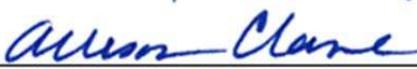
9 a. File a complaint on the form provided herewith that complies with the
10 requirements of the Civil Rights Act, the Federal Rules of Civil Procedure, and the Local
11 Rules of Practice; the complaint must bear the docket number assigned this case; and

12 b. Submit an application to proceed in forma pauperis on the form provided
13 herewith, or the total filing fee in the amount of \$400.00.²

14 3. Plaintiff's failure to timely comply with this order will result in a recommendation that
15 this action be dismissed without prejudice.

16 4. The Clerk of the Court is directed to send plaintiff the court's forms used by prisoners
17 in this district to file a civil rights complaint and to seek leave to proceed in forma pauperis.

18 DATED: March 2, 2017

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20 ALLISON CLAIRE
21 UNITED STATES MAGISTRATE JUDGE

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27 ² The total filing fee of \$400.00 is comprised of a \$350.00 filing fee and a \$50.00 administrative
28 fee. If plaintiff is granted leave to proceed in forma pauperis, he will not be required to pay the
administrative fee; he will be required to pay the filing fee but may do so in installments.