

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL DeWAYNE ALLEN,  
Plaintiff,  
v.  
B. JONES, et al.,  
Defendants.

No. 2:17-cv-1144 KJN P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has not, however, filed an in forma pauperis affidavit or paid the required filing fee of \$350.00 plus the \$50.00 administrative fee.<sup>1</sup> See 28 U.S.C. §§ 1914(a), 1915(a). On June 7, 2017, plaintiff was sent the revised in forma pauperis application form to complete and return to the court within thirty days. Thirty days have now passed, and plaintiff has not submitted a signed application to proceed in forma pauperis. Rather, plaintiff filed a letter stating he is still waiting for prison officials to provide him with a certified trust account statement for the past six month period.

///

---

<sup>1</sup> 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. Litigants proceeding in forma pauperis are not required to pay the \$50.00 administrative fee.


1 The revised in forma pauperis application form includes a section that must be completed  
2 by a prison official and which must be accompanied by a certified copy of the prisoner's prison  
3 trust account statement for the six-month period immediately preceding the filing of this action.  
4 However, this section is for non-CDCR incarcerated prisoners only. Because plaintiff is housed  
5 in CDCR custody, the CDCR will email plaintiff's certified financial information directly to the  
6 court. However, plaintiff must still provide a signed and dated application to proceed in forma  
7 pauperis. In light of plaintiff's recent filing, the court will grant plaintiff an extension of time in  
8 which to submit the signed application to proceed in forma pauperis.

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

10 1. Plaintiff is granted thirty days from the date of this order to submit an application to  
11 proceed in forma pauperis on the form provided by the Clerk of Court; plaintiff's failure to  
12 comply with this order will result in a recommendation that this action be dismissed; and

13 2. The Clerk of the Court is directed to send plaintiff a new Application to Proceed In  
14 Forma Pauperis By a Prisoner.

15 Dated: July 25, 2017

16   
17 \_\_\_\_\_  
18 KENDALL J. NEWMAN  
19 UNITED STATES MAGISTRATE JUDGE  
20

21 alle1144.3a.eot  
22  
23  
24  
25  
26  
27  
28