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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL L. OVERTON,
Plaintiff,
v.
CMF WARDEN, et al.,
Defendants.

No. 2:17-cv-1335 AC 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 application or paid the required filing fee of \$350.00 plus the \$50.00 administrative fee.¹ See 28 U.S.C. §§ 1914(a), 1915(a). Plaintiff will be provided the opportunity either to submit the appropriate application in support of a request to proceed in forma pauperis or to submit the required fees totaling \$400.00.

Plaintiff has also filed a motion for summary judgment. ECF No. 4. The motion is not in the proper form since it does not comply with the requirements of Federal Rule of Civil Procedure 56 and Local Rule 260. The motion is also premature because the court has yet to screen the complaint. The motion will therefore be denied without prejudice to a motion brought

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. Litigants proceeding in forma pauperis are not required to pay the \$50.00 administrative fee.

1 in the proper form and at a later stage in the proceedings.

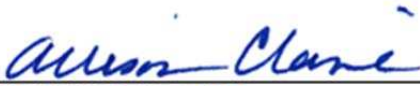
2 In accordance with the above, IT IS HEREBY ORDERED that:

3 1. Plaintiff shall submit, within thirty days from the date of this order, an application in
4 support of his request to proceed in forma pauperis on the form provided by the Clerk of Court, or
5 the required fees in the amount of \$400.00. Plaintiff's failure to comply with this order will result
6 in a recommendation that this action be dismissed.

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

9 3. Plaintiff's motion for summary judgment (ECF No. 4) is denied without prejudice.

10 DATED: July 19, 2017

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12 ALLISON CLAIRE
13 UNITED STATES MAGISTRATE JUDGE
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