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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JON HUMES,  
  
Plaintiff,  
  
v.  
  
SACRAMENTO COUNTY JAIL,  
  
Defendant.

No. 2:17-cv-1870 AC P

ORDER

Plaintiff, a county prisoner at Sacramento County Jail, has filed a document styled as a request for an attorney and a restraining order. No other pleadings have been filed by plaintiff. In order to commence an action, plaintiff must file a complaint as required by Rule 3 of the Federal Rules of Civil Procedure, and plaintiff must either pay the required filing fee or file an application requesting leave to proceed in forma pauperis.<sup>1</sup> See 28 U.S.C. §§ 1914(a), 1915(a). The court will not issue any orders granting or denying relief until an action has been properly commenced. Therefore, plaintiff’s requests will be denied without prejudice. Plaintiff will be provided the opportunity to file his complaint, and to submit an application requesting leave to proceed in forma pauperis or to submit the appropriate filing fee.

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<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.

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

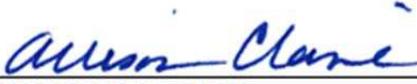
2 1. Plaintiff's requests for an attorney and a restraining order, ECF No. 1, are denied  
3 without prejudice.

4 2. Plaintiff is granted thirty days after service of this order to file a complaint that  
5 complies with the requirements of the Federal Rules of Civil Procedure and the Local Rules of  
6 Practice; the complaint must bear the docket number assigned this case. Plaintiff shall also  
7 submit, within thirty days, a completed application to proceed in forma pauperis on the form  
8 provided by the Clerk of Court, or the filing fee in the amount of \$400.00.<sup>2</sup>

9 3. Plaintiff's failure to comply with this order will result in a recommendation that this  
10 matter be dismissed.

11 4. The Clerk of the Court is directed to send plaintiff the court's forms for filing a civil  
12 rights complaint and an application to proceed in forma pauperis by a prisoner.

13 DATED: September 14, 2017

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15 ALLISON CLAIRE  
16 UNITED STATES MAGISTRATE JUDGE

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27 <sup>2</sup> 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.