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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 MCE AC P  
  
ORDER

Plaintiff, a state prisoner proceeding pro se, is attempting to pursue a civil rights action pursuant to 42 U.S.C. § 1983. By order filed September 15, 2017, the court directed plaintiff to file a complaint and an application to proceed in forma pauperis or to pay the filing fee. See ECF No. 3.

On September 26, 2017, plaintiff filed two one-page documents construed by the Clerk of Court, respectively, as a motion to proceed in forma pauperis, ECF No. 6, and a motion for appointment of counsel, ECF No. 7. Neither filing is adequate in form or substance, and the latter is premature. Therefore both “motions” will be denied without prejudice and plaintiff will again be directed to file: (1) a complaint, and (2) a proper application to proceed in forma pauperis *or* to pay the required filing fee of \$350.00 plus the \$50.00 administrative fee (\$400.00 total).<sup>1</sup> See

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

1 28 U.S.C. §§ 1914(a), 1915(a).

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


3 1. Plaintiff's motion to proceed in forma pauperis, ECF No. 6, and motion for  
4 appointment of counsel, ECF No. 7, are denied without prejudice.

5 2. Within thirty days after service of this order and on the forms provided herewith,  
6 plaintiff shall submit: (1) a complaint, and (2) an application to proceed in forma pauperis *or* the  
7 required fees in the amount of \$400.00.<sup>2</sup>

8 3. The Clerk of the Court is directed to send plaintiff, together with a copy of this order:  
9 (1) a blank complaint form used by prisoners in this district to pursue a civil rights action; (2) a  
10 blank application to proceed in forma pauperis by a prisoner, and (3) a copy of this court's order  
11 filed September 15, 2017 (ECF No. 3).

12 4. Should plaintiff fail to timely comply with this order, the undersigned will recommend  
13 that this action be dismissed.

14 DATED: October 2, 2017

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16 ALLISON CLAIRE  
17 UNITED STATES MAGISTRATE JUDGE

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<sup>2</sup> The deadline set by this order is the operative deadline; it extends the prior deadline set by the court by order filed September 15, 2017 (ECF No. 3).