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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KYLE DENNIS MOGAN,
Plaintiff,
v.
SCOTTY, et al.,
Defendants.

No. 2:17-cv-2658-EFB P

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. To proceed with a civil action a plaintiff must pay the \$400 filing fee required by 28 U.S.C. § 1914(a) or request leave to proceed in forma pauperis and submit the affidavit and trust account statement required by 28 U.S.C. § 1915(a). Plaintiff has neither paid the fee nor submitted an application for leave to proceed in forma pauperis. In a letter filed January 16, 2018, plaintiff claimed to have sent the \$400 filing fee to the court. ECF No. 7 at 1. To date, the court has not received it.


Accordingly, plaintiff has 30 days from the date of service of this order to submit either the filing fee or the application required by § 1915(a). The Clerk of the Court is directed to mail

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1 to plaintiff a form application for leave to proceed in forma pauperis. Failure to comply with this
2 order will result in a recommendation that this action be dismissed.

3 So ordered.

4 Dated: February 5, 2018.


5 EDMUND F. BRENNAN
6 UNITED STATES MAGISTRATE JUDGE

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