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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESSIE FRANK OGELSBY,  
Plaintiff,  
v.  
DEPARTMENT OF CORRECTIONS, et  
al.,  
Defendants.

No. 2:18-cv-0113 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). Therefore, plaintiff will be provided the opportunity either to submit the appropriate affidavit in support of a request to proceed in forma pauperis or to submit the required fees totaling \$400.00.

In addition, on January 18, 2018, plaintiff submitted a motion for monetary relief along with his complaint. This “motion” is not signed by plaintiff. Plaintiff is required to sign all

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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 documents submitted to the court for filing. Fed. R. Civ. P. 11(a). Plaintiff is cautioned that he  
2 must sign all documents submitted in the future. Nonetheless, because plaintiff's complaint  
3 requests monetary damages, plaintiff is not required to file a separate motion for money damages.  
4 Therefore, plaintiff's motion is denied without prejudice.


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

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

10 2. The Clerk of the Court is directed to send plaintiff a new Application to Proceed In  
11 Forma Pauperis By a Prisoner; and

12 3. Plaintiff's motion (ECF No. 2) is denied without prejudice.

13 Dated: January 23, 2018

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16 KENDALL J. NEWMAN  
17 UNITED STATES MAGISTRATE JUDGE

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