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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LATWAHN McELROY,
Plaintiff,
v.
CHCF,
Defendant.

No. 2:18-cv-0455-EFB P

ORDER

Plaintiff is state prisoner proceeding without counsel. This case was opened pursuant to an order from the United States District Court for the Northern District of California. *See McElroy v. Adam*, No. 17-cv-3348-YGR (N.D. Cal. Feb. 23, 2018) (screening order dismissing plaintiff’s claims arising at the California Health Care Facility, without prejudice to refile them in a new civil rights action in the United States District Court for the Eastern District of California). On March 8, 2018, the court informed plaintiff that if he wished to proceed with this action, he 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). ECF No. 4. Plaintiff responded by filing an application for leave to proceed in forma pauperis. ECF No. 5.

Plaintiff must also, however, file a complaint limited to the claims arising at the California Health Care Facility to properly commence this action. *See Fed. R. Civ. P. 3*. A complaint must


1 contain a short and plain statement of the plaintiff's claim, showing that he is entitled to relief.
2 Fed. R. Civ. P. 8. It must also contain a caption including the names of all defendants. Fed. R.
3 Civ. P. 10(a). Plaintiff may draft his claims on the form complaint used by this court. Until
4 plaintiff submits a complaint, there simply is no case before this court.

5 Accordingly, it hereby is ORDERED that:

6 1. The Clerk of the Court shall send to plaintiff the form complaint used in this court.

7 2. Within 30 days of the date of this order, plaintiff shall submit a complaint stating the
8 nature of the action and his belief that he is entitled to redress. Failure to comply with this order
9 may result in dismissal.

10 DATED: April 16, 2018.

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12 EDMUND F. BRENNAN
13 UNITED STATES MAGISTRATE JUDGE
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