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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT G. RUSSELL,  
Plaintiff,  
v.  
SCOTT KERNAN,  
Defendant.

No. 2:18-cv-1062 TLN AC P

ORDER

Plaintiff is a state prisoner proceeding pro se with this civil rights action filed pursuant to 42 U.S.C. § 1983. By order filed May 2, 2018, the court informed plaintiff that, in order to proceed with this case, he must submit an application to proceed in forma pauperis or pay 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); see ECF No. 3. Plaintiff was directed to submit his in forma pauperis application or fees within thirty (30) days.

Plaintiff timely submitted neither an application nor the fees but instead requested that this court defer to the assessment of the Northern District in granting plaintiff’s application to proceed in forma pauperis filed in a habeas action. See ECF No. 6. Plaintiff’s request must be denied.

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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 Not only is the fee for filing a habeas action (\$5.00) substantially less than that for filing a civil  
2 rights action, but this court cannot rely on the in forma pauperis assessment made by another  
3 district court at another time for another case. Therefore, plaintiff will be accorded one additional  
4 opportunity to comply with the court's May 2, 2018 order.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. Plaintiff shall submit, within thirty (30) days from the filing date of this order, a  
7 completed application in support of his request to proceed in forma pauperis on the form provided  
8 herewith, or the required fees in the amount of \$400.00.

9 2. Plaintiff is informed that the enclosed forma pauperis application form includes a  
10 section that must be completed by a prison official, and the completed application must be  
11 accompanied by a certified copy of the prisoner's prison trust account statement for the six-month  
12 period immediately preceding the filing of this action.

13 3. Plaintiff's failure to timely comply with this order will result in a recommendation that  
14 this action be dismissed without prejudice.

15 4. The Clerk of the Court is directed to send plaintiff, together with a copy of this order, a  
16 new Application to Proceed In Forma Pauperis By a Prisoner.

17 DATED: June 22, 2018

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19 ALLISON CLAIRE  
20 UNITED STATES MAGISTRATE JUDGE  
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