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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT DANIEL McKISSICK,  
Plaintiff,  
v.  
AMADOR COUNTY JAIL, et al.,  
Defendants.

No. 2: 19-cv-1807 KJN P

ORDER

Plaintiff is a prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff is incarcerated at the Amador County Jail.

On September 19, 2019, the undersigned ordered plaintiff to submit a completed affidavit in support of his application to proceed in forma pauperis within thirty days. (ECF No. 4.) The undersigned also ordered plaintiff to submit within thirty days a certified copy of his inmate trust account statement for the six-month period immediately preceding the filing of the complaint.

(Id.)

On September 30, 2019, plaintiff filed an application to proceed in forma pauperis. (ECF No. 6.) However, the section of the form requiring certification by jail officials is not completed.

(Id.) Plaintiff also failed to submit a certified copy of his inmate trust account statement. On the bottom of the application, plaintiff wrote that officers at the facility “refused to assist.” (Id.)

Plaintiff also wrote that his personal liaison is Sergeant Stewart “and I attempted to turn it in to

1 him.” (Id.)

2 No defendants have been served in this action. Nonetheless, where circumstances  
3 warrant, the court does have some authority to intervene regarding conduct unrelated to the  
4 complaint under The All Writs Act. That Act gives federal courts the authority to issue “all writs  
5 necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and  
6 principles of law.” 28 U.S.C. 1651(a). The United States Supreme Court has authorized the use  
7 of the All Writs Act in appropriate circumstances against persons who, “though not parties to the  
8 original action or engaged in wrongdoing, are in a position to frustrate the implementation of a  
9 court order or the proper administration of justice.” United States v. N.Y. Tel. Co., 434 U.S. 159  
10 (1977). To obtain an order under the All Writs Act, the requested order must be “necessary.”  
11 This language requires that the relief requested is not available through some alternative means.  
12 Clinton v. Goldsmith, 526 U.S. 529 (1999).

13 Plaintiff appears to claim that officials at the Amador County Jail have refused to  
14 complete the section of his in forma pauperis application requiring certification by jail officials.  
15 Plaintiff also may be claiming that jail officials have refused to provide him with a copy of his  
16 trust account statement. The undersigned is concerned that the court will lose jurisdiction of this  
17 action if plaintiff is unable to file a properly completed in forma pauperis application.

18 Accordingly, IT IS HEREBY ORDERED that:

- 19 1. Within fourteen days of the date of this order, the Amador County Sheriff shall file a  
20 status report addressing plaintiff’s ability to obtain a properly completed in forma  
21 pauperis application;
- 22 2. The Clerk of the Court is directed to serve this order and an in forma pauperis  
23 application for a prisoner on the Amador County Sheriff, 700 Court Street, Jackson,  
24 California, 95642.

25 Dated: October 11, 2019

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE