

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

ELIJAH LEE JACKSON,  
Plaintiff,  
v.  
SACRAMENTO COUNTY MAIN JAIL,  
Defendant.

No. 2:21-CV-1814-KJM-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983.

On October 1, 2021, Plaintiff filed an incomplete application for leave to proceed in forma pauperis. On October 13, 2021, the Court issued an order directing Plaintiff to either submit a complete application or pay the filing fees within 30 days. As of December 3, 2021, Plaintiff had not complied and the Court issued findings and recommendations that this action be dismissed without prejudice for lack of prosecution and failure to comply with court rules and orders. On December 17, 2021, Plaintiff filed a second application for leave to proceed in forma pauperis. Given that Plaintiff appears to be attempting in good faith to comply with the Court's prior order, the December 3, 2021, findings and recommendations will be vacated.

///  
///

1 A review of Plaintiff's December 17, 2021, application to proceed in forma  
2 pauperis, however, reveals that it too is incomplete in that Plaintiff has not submitted the inmate  
3 trust account statement required of prisoners under the Prison Litigation Reform Act (PLRA).<sup>1</sup>  
4 Plaintiff will be provided a final additional opportunity to submit either a completed application  
5 to proceed in forma pauperis or the appropriate filing fee. Plaintiff is warned that failure to  
6 resolve the fee status of this case within the time provided may result in the dismissal of this  
7 action for lack of prosecution and failure to comply with court rules and orders. See Local Rule  
8 110.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. The findings and recommendations issued on December 3, 2021, are  
11 vacated;
- 12 2. Plaintiff shall submit on the form provided by the Clerk of the Court,  
13 within 30 days from the date of this order, a complete application for leave to proceed in forma  
14 pauperis, with the required certified copy of his trust account statement, or the appropriate filing  
15 fee; and
- 16 3. The Clerk of the Court is directed to send Plaintiff a new form Application  
17 to Proceed In Forma Pauperis By a Prisoner.

18  
19 Dated: December 22, 2021



20 DENNIS M. COTA  
21 UNITED STATES MAGISTRATE JUDGE

22  
23  
24  
25  
26  
27 \_\_\_\_\_  
28 <sup>1</sup> To the extent Plaintiff is a pre-trial detainee and not a prisoner serving a sentence following a conviction, it may be that the PLRA does not apply in Plaintiff's case. The complaint, however, does not indicate whether Plaintiff is being held as a prisoner or pre-trial detainee or otherwise.