

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

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY E. MACK,
Plaintiff,
v.
DIRECTOR OF CORRECTIONS, et al.,
Defendants.

No. 2:24-cv-0010 DJC AC P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed a motion to temporarily stay proceedings. ECF No. 11.

By order filed January 11, 2024, plaintiff was ordered to file a proper complaint.¹ ECF No. 3. He was also ordered to file a completed in forma pauperis application or pay the filing fee and was cautioned that failure to comply with either provision of the order would result in a recommendation that this action be dismissed. Id. Plaintiff requested and was granted two extensions of time (ECF Nos. 7, 9) and was given an additional twenty-one days to comply after the time expired and he failed to take any further action (ECF No. 10). Plaintiff now requests a stay, stating that he is having difficulty getting his in forma pauperis application back from the
///

¹ The original complaint consisted of only a first page and did not include any factual allegations or plaintiff’s signature. ECF No. 1.

1 trust account office, the complaint is complex, and he is dealing with unspecified medical issues.
2 ECF No. 11.

3 Plaintiff has not identified grounds warranting a stay of this case. However, the court will
4 grant plaintiff one final extension of time to submit a complaint and an in forma pauperis
5 application. Plaintiff is advised that he does not need to have a prison official complete the
6 certificate portion of the in forma pauperis application or obtain a copy of his trust account
7 statement because he is in the custody of the California Department of Corrections and
8 Rehabilitation. As long as plaintiff completes his portions of the application and signs it, the
9 court will be able to obtain a copy of his trust account statement directly from the prison. With
10 respect to the complaint, plaintiff is not required to cite any case law or make any legal arguments
11 and should instead focus on explaining what each defendant did that he believes violated his
12 constitutional rights.

13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. Plaintiff's motion to stay proceedings (ECF No. 11) is DENIED;
- 15 2. Within thirty days of the service of this order, plaintiff shall file a complaint;
- 16 3. Within thirty days of the service of this order, plaintiff shall submit a completed
17 application to proceed in forma pauperis;
- 18 4. Failure to comply with either provision of this order will result in a recommendation
19 that this action be dismissed without further warning, and no further extensions of time will be
20 granted absent a showing of extraordinary circumstances; and
- 21 5. The Clerk of the Court is directed to send plaintiff a copy of the prisoner complaint
22 form used in this district and an Application to Proceed In Forma Pauperis By a Prisoner.

23 DATED: June 5, 2024

24 
25 ALLISON CLAIRE
26 UNITED STATES MAGISTRATE JUDGE
27
28