

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
NORTHERN DISTRICT OF CALIFORNIA

In re EMANUEL LUCIOUS,
Plaintiff.

No. C 09-0819 PJH (PR)

ORDER EXTENDING TIME

On February 25, 2009, the court received a letter from plaintiff complaining that he has been “conspicuously[] subjected to ‘contumely’ in a sinister fashion” In an effort to protect his rights it was treated as an attempt to file a civil rights case. He was notified that he had neither paid the filing fee nor submitted an application for leave to proceed in forma pauperis (“IFP”). A copy of the court's form for applications to proceed IFP was provided with the notice, along with a return envelope. Plaintiff was informed that if he did not either pay the fee or file the application within thirty days the case would be dismissed.

Plaintiff has neither paid the fee nor applied for leave to proceed in forma pauperis. He has written a letter to the court in which he acknowledges that he received the IFP application form, but instead of filling it out and returning it he has provided various statements of his prisoner account and asks that they be accepted as proof of his indigence. This is unsatisfactory. Plaintiff will be afforded one more chance to either pay the fee or file an IFP application; if it is not filed within thirty days of the date of this order, the case will be dismissed without further ado. The clerk shall close this file.

IT IS SO ORDERED.

Dated: May 4, 2009.



PHYLLIS J. HAMILTON
United States District Judge

G:\PRO-SE\PJH\CR.09\LUCIOUS0819.DSM-ifp.wpd