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**** E-filed March 29, 2011 ****

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BRIAN CHENG,

No. C10-03605 HRL

Plaintiff,

**SECOND INTERIM ORDER RE:
APPLICATION TO PROCEED IN
FORMA PAUPERIS**

v.

MICHAEL J. ASTURE,

[Re: Docket No. 2]

Defendant.

Before the Court is plaintiff Brian Cheng’s (“Cheng”) Application to Proceed In Forma Pauperis. Docket No. 2. Cheng’s submissions so far make clear that certain funds exist within a special needs trust, but that these funds are under the control of guardian Tomas Lucas (“Lucas”). See Docket No. 7. However, Cheng has not explained whether he asked Lucas to disburse any funds so that Cheng could pursue this action. Accordingly, if Cheng wishes to have the Court consider his application further, he must submit a declaration describing his efforts in this regard by **April 15, 2011.**

IT IS SO ORDERED.

Dated: March 29, 2011



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

United States District Court
For the Northern District of California

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C10-03605 HRL Notice has been electronically mailed to:

Dolly Marlo Trompeter DMTrompeterESQ@yahoo.com

Please see [General Order 45 Section IX C.2 and D](#); Notice has NOT been electronically mailed to:

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Counsel are responsible for distributing copies of this document to co-counsel who have not registered for e-filing under the court's CM/ECF program.