

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION

BILLY D. BURR,  
Plaintiff,

vs.

Case No. 3:07cv318/MCR/EMT

STATE OF FLORIDA,  
Defendant.

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**ORDER**

This cause is before the court on Plaintiff's civil rights complaint filed pursuant to 42 U.S.C. § 1983 (Doc. 1). The court notes that although Plaintiff filed an affidavit of indigency (Doc. 3), he failed to file a motion to proceed in forma pauperis. To be entitled to proceed without prepayment of the filing fee, Plaintiff must file an application for leave to proceed in forma pauperis on the court-approved form.

Accordingly, it is **ORDERED**:

1. The clerk shall send to Plaintiff a motion to proceed in forma pauperis approved for use in the Northern District.
2. Within **THIRTY (30) DAYS** from the date of docketing of this order, Plaintiff shall (1) pay the filing fee of \$350.00, or (2) submit a fully completed motion to proceed in forma pauperis.
3. Failure to comply with this order as instructed may result in a recommendation that this case be dismissed for failure to comply with an order of the court.

**DONE AND ORDERED** this 31<sup>st</sup> day of July 2007.

*/s/ Elizabeth M. Timothy*

**ELIZABETH M. TIMOTHY**  
**UNITED STATES MAGISTRATE JUDGE**