IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

RAUL GARZA,

Plaintiff, No. 2:12-cv-2332 KJN P

vs.

MARK ENOS, et al.,

Defendants. ORDER

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Plaintiff, a state prisoner proceeding without counsel or "pro se," has filed a civil rights action pursuant to 42 U.S.C. § 1983, together with a request for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Plaintiff has not, however, filed his application for leave to proceed in forma pauperis on the form used by this district. Use of the form assists plaintiff to establish and the court to evaluate plaintiff's in forma pauperis status in light of 28 U.S.C. § 1915 (b)(1) and (2). Accordingly, plaintiff's application will be dismissed and plaintiff will be provided the opportunity to submit the application on the appropriate form. Plaintiff is cautioned that he must also provide a certified copy of his prison trust account statement for the six month period immediately preceding the filing of his complaint.

In accordance with the above, IT IS HEREBY ORDERED that:

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1. Plaintiff's application to proceed in forma pauperis is dismissed without prejudice;

2. The Clerk of the Court is directed to send plaintiff a new Application to Proceed In Forma Pauperis By a Prisoner; and

3. Plaintiff shall submit, within thirty days from the date of this order, a completed application to proceed in forma pauperis on the form provided with this order. The completed application must bear the case number assigned to this action. Plaintiff's failure to comply with this order may result in the dismissal of this action without prejudice.

DATED: September 21, 2012

KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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