

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

EDWIN McMILLAN,

Plaintiff,

No. 2:13-cv-0578 KJN P

vs.

A. PFILE, 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. However, the certificate portion of the request, which must be completed by plaintiff’s institution of incarceration, has not been filled out. Nor has plaintiff filed a certified copy of his prison trust account statement for the six-month period preceding the filing of the complaint. See 28 U.S.C. § 1915(a)(2). Therefore, plaintiff will be provided the opportunity to submit a completed in forma pauperis application with the required certifications.<sup>1</sup>

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<sup>1</sup> In an unsigned declaration, dated March 20, 2013, attached to his request to proceed in forma pauperis, plaintiff states that he requested the necessary documentation 14 days before. (See Dkt. No. 2 at 3-4.) However, the court finds that this not an unreasonable period of time, and will therefore require that plaintiff adhere to the statutory certification requirements. In


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

2 1. Plaintiff shall submit, within thirty (30) days from the filing date of this order,  
3 a completed affidavit in support of his request to proceed in forma pauperis on the form  
4 provided by the Clerk of Court; and a certified copy of his prison trust account statement for the  
5 six-month period immediately preceding the filing of the complaint.

6 2. Plaintiff's failure to comply with this order will result in a recommendation  
7 that this action be dismissed without prejudice.

8 3. The Clerk of the Court is directed to send plaintiff a new Application to  
9 Proceed In Forma Pauperis By a Prisoner.

10 DATED: March 28, 2013

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13 KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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25 addition, the court has reviewed plaintiff's request for injunctive relief (Dkt. No. 3), and finds  
26 that it does not present any matter so urgent as to require deviation from the routine certification requirements for initiating a prisoner civil rights action.