

MAR 19 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JAMES ELDER,

Plaintiff - Appellant,

v.

COMMISSIONER OF SOCIAL  
SECURITY ADMINISTRATION, Off. of  
Dis. Adjud. & Review,

Defendant - Appellee.

No. 10-56998

D.C. No. 5:10-cv-01353-UA-JCG

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Audrey B. Collins, Chief Judge, Presiding

Submitted March 6, 2012\*\*

Before: B. FLETCHER, REINHARDT, and TASHIMA, Circuit Judges.

James Elder appeals pro se from the district court's order denying his request to proceed in forma pauperis. We have jurisdiction under 28 U.S.C.

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

§ 1291. We review for an abuse of discretion. *Tripati v. First Nat'l Bank & Trust*, 821 F.2d 1368, 1369 (9th Cir. 1987). We reverse and remand.

The district court did not have the benefit of full information regarding Elder's financial situation. Based upon additional information submitted on appeal, we reverse the denial of Elder's request to proceed in forma pauperis and remand for further proceedings. *See Rowland v. Cal. Men's Colony*, 506 U.S. 194, 203 (1993) (an individual is indigent under 28 U.S.C. § 1915 if he is unable to pay fees and still provide the necessities of life for himself and any dependents).

Elder shall bear his own costs on appeal.

**REVERSED and REMANDED.**