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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

8
9 TIPAKSORN TUNGJUNYATHAM,

CASE NO. 1:06-cv-01764-SMS

10 Plaintiff,

ORDER DENYING PLAINTIFF'S REQUEST
TO FILE APPEAL *IN FORMA PAUPERIS*

11 v.

12 MIKE JOHANNNS, Secretary of the United
States Department of Agriculture,

(Doc. 77)

13 Defendant.
14 _____ /

15
16 Plaintiff has requested waiver of the filing fee for an appeal of the above-captioned case.
17 Pursuant to F.R.A.P. 24(a), a party to a district court action who desires to appeal *in forma pauperis*
18 must file a motion in the district court. With his or her motion, the party must attach an affidavit that
19 (1) shows in the detail prescribed by Form 4¹ of the Appendix of Forms the party's inability to pay
20 the filing fee or to give security for fees and cost; (2) claims an entitlement to redress; and (3) states
21 the issues that the party intends to present on appeal.

22 Plaintiff's request for *in forma pauperis* status fails to comply with the requirements of Rule
23 24. Not only does Plaintiff's statement of indigence fail to provide the detailed financial disclosure
24 required by Form 4, she completely omits a claim of entitlement to redress or a listing of her issues
25 on appeal.
26

27 _____
28 ¹ Form 4 is available in the appendix to the Federal Rules of Appellate Procedure and from the website of
the United States Court of Appeals for the Ninth Circuit.

1 Accordingly, the Court DENIES Plaintiff's request to proceed *in forma pauperis*.

2 1. Plaintiff is hereby directed to submit on or before June 10, 2011, either the full
3 amount of the filing fee or a new motion to proceed *in forma pauperis* including
4 Form 4 as an exhibit.

5 2. In the event that Plaintiff fails to pay the fee or submit a new motion by June 10,
6 2011, this Court shall recommend dismissal of Plaintiff's appeal for failure to comply
7 with a court order.

8 3. In compliance with F.R.A.P. 24(a)(4), the Clerk of Court is directed to notify the
9 United States Court of Appeals for the Ninth Circuit of this order.

10
11 IT IS SO ORDERED.

12 **Dated: May 26, 2011**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE