

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

11 MARCUS MARCELL MCCOWEN, 1:09-cv-00664-WMW (PC)
12 Plaintiff,
13 vs.
14 KEN CLARK, et al.,
15 Defendants.

ORDER TO SUBMIT APPLICATION
TO PROCEED IN FORMA PAUPERIS
OR PAY FILING FEE WITHIN 45 DAYS

17 Plaintiff is a state prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. §
18 1983. Plaintiff has not paid the \$350.00 filing fee, or submitted an application to proceed in forma
19 pauperis pursuant to 28 U.S.C. § 1915.

20 | Accordingly, IT IS HEREBY ORDERED that:

21 Within forty-five (45) days of the date of service of this order, plaintiff shall submit the
22 attached application to proceed in forma pauperis, completed and signed, or in the alternative, pay
23 the \$350.00 filing fee for this action. **No requests for extension will be granted without a**
24 **showing of good cause.** Within sixty (60) days of the date of service of this order, plaintiff shall
25 submit a certified copy of his/her prison trust statement for the six month period immediately
26 preceding the filing of the complaint.

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1 **Failure to comply with this order will result in a recommendation that this action be**
2 **dismissed.**

3 IT IS SO ORDERED.

4 **Dated: April 21, 2009**

5 **/s/ William M. Wunderlich**
6 UNITED STATES MAGISTRATE JUDGE

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Name: _____

CDC No: _____

Address: _____

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION**

CASE NUMBER:

Plaintiff/Petitioner,
vs.

**APPLICATION TO PROCEED
IN FORMA PAUPERIS
BY A PRISONER**

Defendants/Respondent.
_____ /

I, _____, declare that I am the plaintiff in the above-entitled proceeding; that, in support of my request to proceed without prepayment of fees under 28 U.S.C. section 1915, I declare that I am unable to pay the fees for these proceedings or give security therefor and that I am entitled to the relief sought in the complaint.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? Yes No **(If "no" DO NOT USE THIS FORM)**

State the place of your incarceration. _____

2. Are you currently employed (includes prison employment)? Yes No

a. If the answer is "yes" state the amount of your pay. _____

b. If the answer is "no" state the date of your last employment, the amount of your take-home salary or wages and pay period, and the name and address of your last employer.

3. Have you received any money from the following sources over the last twelve months?

a. Business, profession, or other self-employment: Yes No

b. Rent payments, interest or dividends: Yes No

- c. Pensions, annuities or life insurance payments: Yes No
- d. Disability or workers compensation payments: Yes No
- e.. Gifts or inheritances: Yes No
- f. Any other sources: Yes No

If the answer to any of the above is "yes," describe by that item each source of money. Also state the amount received **and** what you expect you will continue to receive (attach an additional sheet if necessary).

4. Do you have cash (includes balance of checking or savings accounts)? Yes No

If "yes" state the total amount: _____

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or other valuable property? Yes No

If "yes" describe the property and state its value: _____

6. Do you have any other assets? Yes No

If "yes," list the asset(s) and state the value of each asset listed:

7. List all persons dependent on you for support, stating your relationship to each person listed and how much you contribute to their support.

IMPORTANT: **This form must be dated and signed below in order for the court to consider your application.**

I hereby authorize the agency having custody of me to collect from my trust account and forward to the Clerk of the United States District Court payments in accordance with 28 U.S.C. section 1915(b)(2).

DATE

SIGNATURE OF APPLICANT

NOTE: Within sixty days from the date of this application you must forward to the court a certified copy of your prison trust account statement showing transactions for the past six months.

(Revised 01/2008)