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

FLOYD SCOTT,

1:09-cv-01329-AWI-SMS-PC

Plaintiff,

FINDINGS AND RECOMMENDATIONS,  
RECOMMENDING THAT PLAINTIFF’S  
MOTION TO PROCEED IN FORMA  
PAUPERIS BE DENIED  
(Doc. 2.)

v.

J. PALMER, et al.,

Defendants.

OBJECTIONS, IF ANY, DUE IN 30 DAYS

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Plaintiff Floyd Scott (“plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983, filed on July 29, 2009. (Doc. 1.) On July 29, 2009, Plaintiff filed a motion to proceed in forma pauperis and a copy of his prison trust account statement pursuant to 28 U.S.C. § 1915. (Doc. 2.)

Examination of plaintiff’s application to proceed in forma pauperis reveals that plaintiff is able to afford the costs of this action. Specifically, plaintiff’s account statement reflects a balance of \$1,714.06 on July 20, 2009, and according to prison records, the average balance in the account for the most recent 6-month period was \$1,655.38. (Doc. 2 at 2, 3, 4.). The filing fee for this action is \$350.00.

Accordingly, it is HEREBY RECOMMENDED that:

1. Plaintiff’s motion to proceed in forma pauperis be denied; and
2. Plaintiff be ordered to pay the \$350.00 filing fee in full.

1           These Findings and Recommendations will be submitted to the United States District Judge  
2 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within thirty (30)  
3 days after being served with these Findings and Recommendations, the parties may file written  
4 objections with the court. The document should be captioned "Objections to Magistrate Judge's  
5 Findings and Recommendations." The parties are advised that failure to file objections within the  
6 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d  
7 1153 (9th Cir. 1991).

8  
9 IT IS SO ORDERED.

10 **Dated:** August 10, 2009

/s/ Sandra M. Snyder  
UNITED STATES MAGISTRATE JUDGE