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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT E. BARRETT,

1:09-cv-01741-LJO-GSA-PC

Plaintiff,

FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT PLAINTIFF’S
MOTION TO PROCEED IN FORMA
PAUPERIS BE DENIED
(Doc. 7.)

v.

M. CATE, et al.,

Defendants.

OBJECTIONS, IF ANY, DUE IN 30 DAYS

Plaintiff Robert E. Barrett (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983, filed on October 5, 2009. (Doc. 1.) On October 28, 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. 7.)

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 \$694.13 on October 2, 2009, and according to prison records, the average balance in the account for the most recent 6-month period was \$456.43. (Doc. 7 at 3, 5.) 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.

