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

SOHIA LOPEZ,

 Plaintiff,

 v.

MARTHA JOHNSON, and
RENEE RICHARDSON,

 Defendants.

1:09-cv-02174 LJO JLT

ORDER REQUIRING PLAINTIFF TO FILE
AMENDED AFFIDAVIT SUPPORTING HER
REQUEST TO PROCEED IN FORMA
PAUPERIS

Plaintiff has requested authority under 28 U.S.C. § 1915 to proceed *in forma pauperis*, and has submitted an affidavit purporting to demonstrate that she is unable to prepay fees and costs or give security for them. [Docket # 3] However, the affidavit is incomplete and insufficient for several reasons..

First, plaintiff failed to sign the affidavit under penalty of perjury. Second, although plaintiff indicates that she has no income of her own, she asserts that her spouse has “SSIS disability income” that supports her and the couple’s four adult children. Notably, the children range in ages from 19 to 39. Plaintiff fails to outline the reasons for the children’s reliance upon her spouse’s income, whether

1 they live in her home or whether they contribute to the household expenses.¹

2 Because the unsigned affidavit does not provide any information about plaintiff's spouse's
3 income or her own monthly expenses, the affidavit is insufficient to evaluate whether plaintiff can pay
4 or give security for court costs and still be able to provide herself with the necessities of life. *See Adkins*
5 *v. E.I. Dupont de Nemours & Co.*, 335 U.S. 331, 339 (1948); *see also Monti v. McKeon*, 600F.Supp.
6 112, 114 (D. Conn. 1984) ("in ruling on motions to proceed *in forma pauperis*, . . . courts have
7 considered the income of interested persons, such as spouses and parents, in evaluating the funds
8 available to the movant . . . If plaintiff is supported by her spouse, and her spouse is financially able to
9 pay the costs of this appeal, it follows that the plaintiff's own lack of funds will not prevent her from
10 gaining access to the courts.").

11 Accordingly, plaintiff is directed to file, within ten days of this order, a further affidavit, signed
12 under penalty or perjury, containing information regarding her spouse's income, whether she is
13 supported by that income, which of her children, if any, is supported by that income and why they
14 require that support and an accounting of her monthly expenses. The court will then resume
15 consideration of plaintiff's application to proceed *in forma pauperis*.

16 Plaintiff is admonished that failure to comply with this order may result in denial of her motion
17 to proceed *in forma pauperis*.

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19 IT IS SO ORDERED.

20 Dated: January 11, 2010

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/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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27 ¹Plaintiff's complaint alleges that one child is in the military and living at Fort Leavenworth, Kansas. It is unclear
28 whether plaintiff is contending that this child is one of the four children, described in the affidavit, who relies upon her
spouse's income.