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6	LINITED STATE	S DISTRICT COURT
7	UNITED STATE	S DISTRICT COURT
8	EASTERN DISTRICT OF CALIFORNIA	
	RAYMOND DONALD CLARK,) 1:10mc0048 LJO DLB
9)
10	Plaintiff,)) FINDINGS AND RECOMMENDATION
11	r iaintiii,) DENYING PLAINTIFF'S APPLICATION TO
10	V.	PROCEED IN FORMA PAUPERIS
12	PETER BEAGLEY, et al.,)
13		
14)
	Defendants.	,)
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This miscellaneous action was opened on November 4, 2010, for ruling on Plaintiff's motion to proceed in forma pauperis on appeal at the request of the Bankruptcy Appellate Panel. In re Perroton, 958 F.2d 889 (9th Cir. 1992) (Bankruptcy Appellate Panel lacks authority to waive payment of statutorily required filing fees because it is not a "court of the United States" within the meaning of 28 U.S.C. § 1915(a)).

On November 19, 2010, the Court issued an order explaining that contrary to Plaintiff's contention, he did not proceed in forma pauperis in the District Court. The Court therefore needed additional information pursuant to Federal Rule of Appellate Procedure 24(a)(1). The Court ordered Plaintiff to provide this information, or pay the \$255.00 appellate filing fee, within thirty days of the date of the order. Over thirty days have passed and Plaintiff has not complied with the Court's order.

l	Therefore, based on the information before this Court, Plaintiff's application to proceed
2	in forma pauperis must be DENIED.
3	RECOMMENDATION
1	Accordingly, the Court HEREBY RECOMMENDS that Plaintiff's application to proceed
5	in forma pauperis on appeal be DENIED.
5	These findings and recommendations will be submitted to the Honorable Lawrence J.
7	O'Neill, pursuant to the provisions of <u>Title 28 U.S.C. § 636(b)(1)</u> . Within thirty (30) days after
3	being served with these Findings and Recommendations, Plaintiff may file written objections

with the Court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. <u>Martinez v. Ylst</u>, 951 F.2d 1153 (9th Cir. 1991).

IT IS SO ORDERED.

Dated: <u>January 7, 2011</u>

/s/ Dennis L. Beck UNITED STATES MAGISTRATE JUDGE