

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

EDWARD L. HALL,)	Case No.: 1:11-cv-00693 JLT
Plaintiff,)	
v.)	ORDER REQUIRING PLAINTIFF TO FILE A
)	SECOND AMENDED APPLICATION TO
)	PROCEED IN FORMA PAUPERIS
)	
COMMISSIONER OF SOCIAL SECURITY,)	
Defendant.)	

Plaintiff Edward L. Hall (“Plaintiff”) is proceeding *pro se* in this action. Plaintiff filed his Complaint on May 2, 2011 (Doc. 1), along with a motion to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (Doc. 3). Following the Court’s order to clarify his financial status, Plaintiff filed a second motion on May 9, 2011. (Doc. 5).

Plaintiff’s second motion raised issues because of incongruities between the two applications, including whether Plaintiff was incarcerated and whether he receives “general grant” funds. As a result, the Court issued an order that Plaintiff file an amended application including the ledger of his transactions at Avenal State Prison and the amount of income received through the “general grant.” (Doc. 6). Since that time, the Court received a letter from Plaintiff’s parole agent, explaining Plaintiff is not currently incarcerated, but was incarcerated from August 7, 2002 to October 22, 2008. (Doc. 7). Because Plaintiff is not incarcerated, it is not necessary that the Court receive a ledger of Plaintiff’s prison transactions.

1 Moreover, the letter from Plaintiff's parole agent is not a substitute for Plaintiff filing an
2 amended IFP motion as ordered by the Court on May 11, 2011. It does not explain whether Plaintiff
3 receives "general grant" money or, if so, how much he receives and expects to continue to receive.
4 This information is necessary for the Court to ascertain whether Plaintiff receives sufficient income
5 to be able to pay the Court filing fee. Moreover, in light of the information provided by the parole
6 agent, it is unclear why Plaintiff asserted in his second IFP motion that he was incarcerated and being
7 housed at the state prison in Avenal, California. As previously noted by the Court, Plaintiff did not
8 disclose his receipt of funds on his first application, though he signed the document under penalty of
9 perjury.

10 Accordingly, **IT IS HEREBY ORDERED:**

- 11 1. Plaintiff **SHALL FILE**, within fourteen days of this order, a second amended
12 application to proceed *in forma pauperis*, which includes the amount of income
13 received through the "general grant" and the amount Plaintiff expects to continue to
14 receive; and
- 15 2. Plaintiff is warned that failure to comply with this order will result in a
16 recommendation that his IFP motion be denied.

17 IT IS SO ORDERED.

18 Dated: June 6, 2011

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE