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

ANTHONY WILEY, SR.,)	Case No.: 1:11-cv-00866 LJO JLT
)	
Plaintiff,)	ORDER REQUIRING PLAINTIFF TO FILE A
)	COMPLETE APPLICATION TO PROCEED IN
v.)	FORMA PAUPERIS OR PAY FILING FEE
)	WITHIN 30 DAYS
)	
THE STATE OF CALIFORNIA, et al,)	(Doc. 2)
)	
Defendants.)	
_____)	

17 Plaintiff Anthony Wiley, Sr. (“Plaintiff”) initiated this action with the filing of his complaint
18 (Doc. 1) and an application to proceeding *in forma pauperis* (Doc. 2), which he filed concurrently on
19 May 27, 2011.

20 In his application, Plaintiff indicates that he has a house under construction, valued at
21 \$100,000 but fails to detail what income is being used to pay for the construction. (Doc. 2 at 2) In
22 addition, Plaintiff reports that he has received money from “Business, profession or other self-
23 employment” within the last 12 months but has failed to report, “each source of money and [to] state
24 the amount received and what you expect you will continue to receive.” (Doc. 2 at 1)

25 The Court notes that Plaintiff admits in his complaint (Doc. 1) that he has been actively
26 engaged in operating a recycling business since at least December 9, 2010 when he obtained his
27 business license. Also, the Kern County Sheriff Department’s investigative report attached to
28 Plaintiff’s complain indicates that Plaintiff’s business was paid more than \$22,000 by Sierra

1 Recycling & Demolition since the business license was issued. Thus, Plaintiff's failure to report his
2 full income borders on a duplicitous attempt to mislead this Court.

3 Accordingly, Plaintiff is ORDERED:

- 4 1. To submit a complete amended application to proceed *in forma pauperis*, **signed**
5 **under penalty of perjury**, within 21 days of the date of service of this order.
- 6 a. In the amended application, Plaintiff SHALL state:
- 7 i. the amount of income he has received within the last 12 months from
8 any business, profession or self employment
- 9 ii. the source of the funds that are being used to construct the \$100,000
10 home.

11 Upon receipt of this information, the Court will resume consideration of Plaintiff's motion to
12 proceed *in forma pauperis*. In the alternative, Plaintiff must pay the filing fee. Failure to comply
13 with this order may result in denial of his application to proceed *in forma pauperis*.

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15 IT IS SO ORDERED.

16 Dated: June 2, 2011

17 /s/ Jennifer L. Thurston
18 UNITED STATES MAGISTRATE JUDGE
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