

1 is proper and indeed essential for the supporting affidavits to state the facts as to affiant's poverty
2 with some particularity, definiteness and certainty." Jefferson, 277 F.2d at 725.

3 In his application, Plaintiff states that he is employed at the California Substance Abuse
4 Treatment Center in Corcoran, California. According to his attached pay statement, he earns
5 approximately \$45,000 gross income per year. Plaintiff owns a home and two cars and supports
6 only his spouse.

7 Accordingly, the Court finds that Plaintiff has not demonstrated that he is unable to pay
8 or guarantee costs without sacrificing the necessities of life.

9 **RECOMMENDATION**

10 Accordingly, the Court HEREBY RECOMMENDS that Plaintiff's application be
11 DENIED and that Plaintiff be ORDERED to pay the \$350.00 filing fee.

12 These Findings and Recommendations will be submitted to the Honorable Anthony W.
13 Ishii, pursuant to the provisions of [Title 28 U.S.C. § 636\(b\)\(1\)](#). Within **thirty (30) days** after
14 being served with these Findings and Recommendations, Plaintiff may file written objections
15 with the Court. The document should be captioned "Objections to Magistrate Judge's Findings
16 and Recommendations." Plaintiff is advised that failure to file objections within the specified
17 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153
18 (9th Cir. 1991).

19 IT IS SO ORDERED.

20 **Dated: November 2, 2011**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE