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

MATTHEW ALAN LAWRIE,
Plaintiff,
vs.
KATHLEEN ALLISON, et al.,
Defendants.

1:11-cv-01821-GSA-PC

ORDER RE MOTION TO PROCEED
(Doc. 9.)

ORDER FOR PLAINTIFF TO FILE DECLARATION
IN SUPPORT OF APPLICATION TO PROCEED
IN FORMA PAUPERIS, WITHIN THIRTY
DAYS

_____ /

Matthew Alan Lawrie ("Plaintiff") is a state prisoner proceeding pro se with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on November 1, 2011. (Doc. 1.) On November 8, 2011, Plaintiff consented to Magistrate Judge jurisdiction in this action, and no other parties have made an appearance. (Doc. 5.) Therefore, pursuant to Appendix A(k)(4) of the Local Rules of the Eastern District of California, the undersigned shall conduct any and all proceedings in the case until such time as reassignment to a District Judge is required. Local Rule Appendix A(k)(3).

On December 8, 2011, the Court issued an Order to Show Cause, requiring Plaintiff to show cause why his applications to proceed in forma pauperis should not be denied based on Plaintiff's showing that he is able to afford to pay the filing fee for this action.¹ (Doc. 7.) On December 14, 2011,

¹Plaintiff filed two applications to proceed in forma pauperis pursuant to 28 U.S.C. § 1915, on November 1, 2011 and November 10, 2011. (Docs. 2, 6.) Examination of Plaintiff's applications reveals that Plaintiff is able to afford the costs of this action. Specifically, Plaintiff declares under penalty of perjury that he has more than one million dollars in cash (which includes the balance of checking or savings accounts), two IRA accounts, stocks, bonds, securities, other financial instruments, and other valuable assets. Application, Doc. 6 at 2.

1 Plaintiff filed a response to the Order to Show Cause, confirming that he owns at least one investment
2 account and asserting that his request for access to the funds was denied by Merrill Lynch. (Doc. 8.)
3 Plaintiff also refers to a securities fraud case #11c0347 without further explanation. Plaintiff states that
4 he has no funds in his prison trust account.

5 Plaintiff shall be required to provide further evidence to the Court about his bank and investment
6 accounts outside the prison, in support of his application to proceed in forma pauperis. Within thirty
7 days, Plaintiff shall file a written declaration, signed under penalty of perjury, informing the Court of
8 each financial account he owns, identified by bank or other holder and account number, the approximate
9 balance in each account, his efforts to gain access to the funds in the accounts, and the reasons he was
10 denied access. Plaintiff shall further explain his reference to the securities fraud case #11c0347 and his
11 relationship to the case. Plaintiff shall submit copies of documents in support of the declaration, such
12 as bank statements, as evidence of the accounts he owns and the balances in the accounts. Plaintiff shall
13 also submit any documentation of his efforts to gain access to the accounts and the responses he has
14 received to date. Plaintiff shall title the declaration "Declaration in Support of Application to Proceed
15 in Forma Pauperis." The Court shall not consider any request by Plaintiff to assist him in gaining access
16 to the accounts or other assets he allegedly owns.

17 Accordingly, IT IS HEREBY ORDERED that:

- 18 1. Within thirty days from the date of service of this order, Plaintiff shall submit a written
19 declaration in support of his application to proceed in forma pauperis, signed under
20 penalty of perjury, with supporting documentation, as instructed by this order— the
21 Clerk’s office is directed to file said declaration and supporting documents under seal;
22 and,
- 23 2. Plaintiff’s failure to comply with this order may result in the dismissal of this action.

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26 IT IS SO ORDERED.

27 **Dated: December 15, 2011** _____ /s/ **Gary S. Austin** _____

UNITED STATES MAGISTRATE JUDGE

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